

Chief Executive's Department
Civic Centre
HARTLEPOOL

4th April, 2011

The Mayor (Stuart Drummond)

Councillors Aiken, C Akers-Belcher, S Akers-Belcher, Atkinson, Barclay, Barker, Brash, R W Cook, Cranney, Fleet, Fleming, Gibbon, Griffin, Hall, Hargreaves, Hill, Ingham, Jackson, James, Laffey, Lauderdale, Lawton, A E Lilley, G Lilley, London, Maness, A Marshall, J Marshall, J W Marshall, McKenna, Dr. Morris, Payne, Plant, Preece, Richardson, Rogan, Shaw, Simmons, Sutheran, Thomas, H Thompson, P Thompson, Turner, Wells, Worthy and Wright

Madam or Sir,

You are hereby summoned to attend a meeting of the COUNCIL to be held on THURSDAY, 14th April, 2011 at 7.00 p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

P Walker
Chief Executive

Enc

COUNCIL AGENDA



14th April 2011

at 7.00 p.m.

**in the Council Chamber,
Civic Centre, Hartlepool.**

1. To receive apologies from absent members.
2. To receive any declarations of interest from members.
3. To deal with any business required by statute to be done before any other business.
4. To receive questions from and provide answers to the public in relation to matters of which notice has been given under Rule 10.
5. To approve the minutes of the last meeting of the Council held on 24th February 2011, as a correct record (copy attached).
6. Questions from Members of the Council on the minutes of the last meeting of the Council.
7. To answer questions of members of the Council under Council Procedure Rule 11;
 - (a) Questions to members of the Executive about recent decisions of the Executive (without notice)
 - (b) Questions to members of the Executive and Chairs of Committees and Forums, for which notice has been given.
 - (c) Questions to the appropriate members on Police and Fire Authority issues, for which notice has been given. Minutes of the meetings of the

Cleveland Police Authority held on 15th December 2010 and the meetings of the Cleveland Fire Authority held on 28th January 2011 and 4th February 2011 are attached.

8. To deal with any business required by statute to be done.
 - (i) Report of the Independent Remuneration Panel
 - (ii) Special Urgency Decisions – No special urgency decisions were taken in respect of the period January 2011-March 2011.
9. To receive any announcements from the Chair, the Mayor, members of the Cabinet or the head of the paid service.
10. To dispose of business (if any) remaining from the last meeting and to receive the report of any scrutiny forum or other committee to which such business was referred for consideration.
 - (i) Report of Monitoring Officer/Section 151 Officer – Procedural Arrangements
11. To receive reports from the Council's committees and working groups other than any overview and scrutiny committee and to receive questions and answers on any of those reports;
 - (i) Report of Licensing Committee – Licensing Policy – Sex Entertainment Venues
 - (ii) Report of Planning Committee – Emerging Affordable Housing Policy in the Core Strategy
 - (iii) Report of Constitution Committee – Business Report
 - (iv) Report of Constitution Committee – Amendments to Contract Procedure Rules
12. To consider any other business specified in the summons to the meeting, including consideration of reports of the overview and scrutiny committees for debate and to receive questions and answers on any of those items;
 - (i) Report of Scrutiny Co-ordinating Committee – Members' Attendances Working Group – Progress Update
13. To consider reports from the Executive:-
 - (a) Proposals in relation to the Council's budget and policy framework
 - (i) Corporate Plan 2011/12
 - (b) Proposals for departures from the budget and policy framework

14. To consider any motions in the order in which notice has been received.
15. To receive the Chief Executive's report and to pass such resolutions thereon as may be deemed necessary.

COUNCIL

MINUTES OF PROCEEDINGS

24 February 2011

The meeting commenced at 7.00 pm in the Civic Centre, Hartlepool

PRESENT:-

The Chairman (Councillor C Richardson) presiding:

COUNCILLORS:

C Akers-Belcher	S Akers-Belcher	Atkinson
Barclay	Barker	Brash
Cook	Cranney	Fleet
Gibbon	Griffin	Hall
Hargreaves	Hill	Ingham
Jackson	James	Laffey
Lauderdale	Lawton	A Lilley
G Lilley	London	Maness
A Marshall	J W Marshall	Dr. Morris
Payne	Plant	Preece
Rogan	Shaw	Simmons
Sutheran	Thomas	H Thompson
P Thompson	Turner	Wells
Wright		

OFFICERS:

Paul Walker, Chief Executive
Andrew Atkin, Assistant Chief Executive
Chris Little, Chief Finance Officer
Joanne Machers, Chief Customer and Workforce Services Officer
Alyson Caman, Head of Legal Services
Jill Harrison, Assistant Director, Child and Adult Services
Graham Frankland, Assistant Director, Resources
Alistair Rae, Public Relations Manager
Joan Stevens, Scrutiny Manager
Amanda Whitaker, Denise Wimpenny and Jo Wilson, Democratic Services Team

126. APOLOGIES FOR ABSENT MEMBERS

Apologies for absence were submitted on behalf of the Mayor, Stuart Drummond, Councillors Aiken, Flintoff, McKenna and Worthy

127. DECLARATIONS OF INTEREST FROM MEMBERS

None at this point in the meeting. However, an interest was declared later in the meeting (Minute 129 (i) refers).

128. BUSINESS REQUIRED BY STATUTE TO BE DONE BEFORE ANY OTHER BUSINESS

None

Prior to consideration of the following item of business, the Chief Executive declared a personal and prejudicial interest and left the meeting during consideration of this issue.

129. PUBLIC QUESTION

- (i) In the absence of Sarah Stead, who had submitted a question, the Chair presented the following question to the Chair of Scrutiny Co-ordinating Committee:-

“I understand from the publicity surrounding the £10,000 a year pay increase for the Chief Executive that the matter was investigated by scrutiny. Can the Chair of Scrutiny Co-ordinating Committee tell me under what circumstances scrutiny discussed it?”

The Chair of Scrutiny Co-ordinating responded by stating that in 2008 Cabinet undertook a Senior Management Review resulting in a decision on 30 November 2009 to increase the salary of the Chief Executive.

When the decision was published and the Chair became aware of its content, she had great difficulty in being able to discuss it with anyone as the report was confidential and at this point there was only the Chair that had a copy outside of Cabinet.

Under the constitution of Hartlepool Borough Council the decisions of Cabinet must stand for 4 clear working days after their date of publication before they can be carried out. During this time, Members can call-in the decision but to do so they must have evidence that either:-

- The principles of decision making have not been followed
- The decision falls outside the budget and policy framework

Two colleagues, Councillors Brash and Young agreed to support the call-in of Cabinet's decision and the call-in notice was handed to the Monitoring Officer, Peter Devlin, on Thursday 10 December 2009.

The Chair of Scrutiny Co-ordinating Once a call-in notice has been submitted it

must go to Scrutiny Co-ordinating Committee within 7 days for them to determine if it meets the criteria for a call-in of decision.

If it does meet the criteria, there will be an investigation and whilst the matter is under investigation the decision cannot be carried out.

If it does not meet the criteria the decision is carried out with immediate effect.

The call-in notice was put to the full Scrutiny Co-ordinating Committee on Friday 11 December 2009 and approved for investigation. The reasons given on the call-in notice were:-

- That the decision was not taken in accordance with the principles of decision making as set out in Article 13 of the Constitution and specifically principles:-
- 5 Best Value and 12 Reasonableness

As all the reports were confidential, Councillors on Scrutiny Co-ordinating Committee were unable to discuss the matter with anyone including other Councillors and the Chair confirmed that the matter was never discussed in full Council or elsewhere.

During 2010, the Scrutiny Co-ordinating Committee met to carry out their investigation on the following dates:-

22 January – the lines of inquiry were agreed and the documentation used by Cabinet was requested.

22 February – the original papers provided to scrutiny were so heavily redacted they were unreadable.

12 March – Scrutiny Co-ordinating Committee adjourned their investigation until such time as the information was provided to them in a way that they could form an opinion.

4 November – Scrutiny Co-ordinating Committee received information from Cabinet Members and the Mayor about their involvement in the original process and decision.

12 November – When Scrutiny Co-ordinating Committee agreed its recommendations to Cabinet.

In addition to the formal Committee meetings, the Chair also had the following meetings:-

30 April – The Chair met with the Scrutiny Manager, Chief Solicitor and Chief Customer and Workforce Services Officer to try to resolve the issues around access to information and on 16 September the Chair met with the Scrutiny Manager, Chief Solicitor and Vice Chair of Scrutiny Coordinating Committee, the Mayor, the Deputy Mayor, and Cabinet Member, Peter Jackson.

The recommendations of Scrutiny Co-ordinating Committee were reported to Cabinet on 22 November 2010 by the Chair and Vice-Chair of Scrutiny Co-ordinating Committee.

The recommendations were very clear and were summarised as follows:-

That Scrutiny Co-ordinating Committee did not agree with the decision made by Cabinet as they could not identify any evidence to warrant an increase in the Chief Executive's salary. They also pointed out that with the passage of time, Cabinet should take into account the financial constraints now faced by the Council.

They also believed that any future review of the Senior Management's Terms and Conditions including remuneration should be carried out by the General Purposes (Appeals and Staffing) Committee not by Cabinet.

Scrutiny Co-ordinating Committee also raised some legal issues in connection with a perceived breach of the constitution.

In order for Cabinet to seek legal advice from the Acting Chief Solicitor on this point, the meeting of Cabinet was adjourned and reconvened on 29 November, when Cabinet rejected all of the recommendations from Scrutiny Co-ordinating Committee and confirmed their original decision in full.

Under the constitution, the decision can be carried out immediately and Scrutiny Co-ordinating Committee cannot challenge it again.

The Chair of Scrutiny Co-ordinating Committee then reserved her right to speak in debate.

In the subsequent debate a number of Members spoke in support of the findings of scrutiny. Concerns were expressed regarding the access to information restrictions and the need for national intervention to control the level of salaries in the public sector. In light of the current budget situation, the importance of introducing appropriate measures to ensure issues of this type did not reoccur was highlighted. In an attempt to protect front line services, a Member suggested a review of salary levels of senior council staff in readiness for the following year's budget process. Members discussed the current economic climate and recent budget cuts resulting in a number of job losses across the Council and the town as a whole. Concerns were expressed regarding the adverse impact this decision had placed on the public perception of the Council, the level of complaints from the public and the impact on Elected Members in explaining the decision to the public. The need to regain the trust of the public was also emphasised.

It was moved and seconded that in the event that a £13,000 saving was achieved as a result of a 4 weeks unpaid leave arrangement with the Chief Executive as reported in the press and assuming this would be ratified by Cabinet, Council should have the opportunity to consider, at its next meeting, how the £13,000 savings be utilised for the benefit of the town.

The Deputy Mayor presented comprehensive details and the background to the process and timescales that had been followed by Cabinet in reaching their

decision in November 2009 and the requirement of Cabinet to review the Chief Executive's salary in accordance with his conditions of employment.

In accordance with Council Procedure Rule 10 of the Constitution, the Chair of the Council agreed to extend the 30 minutes timescale permitted for public questions.

RESOLVED – that in the event that a £13,000 saving was achieved as a result of a 4 weeks unpaid leave arrangement with the Chief Executive, Council should consider, at its next meeting, how the £13,000 savings be utilised for the benefit of the town.

130. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 10 February 2011, having been laid before the Council.

Minute No 112 (xiii) be amended to read as follows:-

“....Some Members commented that they had and would again vote for the finance for the event...”

RESOLVED - That the minutes be confirmed subject to the above amendment

The minutes were thereupon signed by the Chairman.

131. QUESTIONS FROM MEMBERS OF THE COUNCIL ON THE MINUTES OF THE PREVIOUS MEETING OF THE COUNCIL

Minutes of the Proceedings of the Council held on 10 February 2011 – Minute 112 (ii) - The Leader of the Liberal Democrats referred to the unanimous agreement of all Councillors at the last meeting in support of the Executive's proposals for the Medium Term Financial Strategy 2011/12 to 2014/15 and Council's views were sought on what actions could be taken to take forward this general agreement across the Council with Ministers. The benefits of the Leader of the Liberal Democrat Group writing to Ministers in relation to a possible amendment in funding allocation for Hartlepool and highlighting any other suggested proposals Council wished to pursue for the benefit of the town was highlighted. The Deputy Mayor reiterated his appreciation on behalf of Cabinet for the support received from Scrutiny Co-ordinating Committee and the Council's Working Group during the budget process and hoped that would continue. The Deputy Mayor expressed his support for Group Leaders to invite their respective Ministers to the town to observe the achievements undertaken.

132. QUESTIONS FROM MEMBERS OF THE COUNCIL

- (a) Questions to Members of the Executive about recent decisions of the Executive

None.

- (b) Questions to Members of the Executive and Chairs of Committees and Forums, for which Notice has been given
- (i) Councillor G Lilley to Councillor Ged Hall, Portfolio Holder for Adult and Public Health Services

“Do you support the decision of the Board of North Tees and Hartlepool NHS Trust to spend £22,000,000 each year over a 30 year period to pay the costs of servicing a PFI loan to finance a new hospital at Wynyard?”

In response, the Portfolio Holder indicated that the simple answer was no and emphasised that public funding was not free funding from the Government. Between 2008 and 2010 £10.239 million had been paid back to the treasury and on that basis a figure in the region of £20 million would be payable on the costs of the new hospital under treasury funding. The Portfolio Holder questioned the accuracy of the £22 million in relation to the private finance costs. The Portfolio Holder reported that the new private finance initiative may come at a lower cost and outlined the benefits of public funding being paid back to the treasury.

Councillor Lilley highlighted that a number of Hartlepool residents had voiced their concerns to the Minister for Health in relation to the costs of £22 million for the PFI loan.

In the subsequent debate that followed, the importance of open debate in relation to the proposals for future health provision were highlighted. Concerns were expressed regarding the uncertainty around the future of the health service and the level of control and input of the Council in this regard. Some Members were of the view that there was a need for frank discussions at Health Forums, the Trust and with the Secretary of State for Health.

- (ii) Councillor Simmons to Councillor Brash, Performance Portfolio Holder

“Can the Portfolio Holder for Performance give Council an update on the latest progress made in absence management for Council employees?”

The Performance Portfolio Holder reported that each year a target was set in relation to number of days absence per whole time equivalent employee. The target for the current year was 9.30 days absence. The end of year prediction at the end of the 3rd quarter showed the Council were below target at 8.3 days. Absenteeism in the authority had reduced for the fifth year in a row.

In a supplementary question, Councillor Simmons sought clarification on progress on performance in previous years. In response, the Portfolio Holder

advised that in 2006/7 the average number of days lost was 13.52 reducing to 10.57 in 2007/08, 9.9 in 2008/9 and 9.3 in 2009/10. Details of how the Council managed sickness absence was outlined. In a second supplementary question, Councillor Simmons asked how the Council's performance compared to other councils, in particular within the Tees Valley area. It was reported that Hartlepool's performance figures were in line with other neighbouring authorities in the Tees Valley.

(iii) Councillor G Lilley to the Chair of Scrutiny Co-ordinating Committee

At the full Council meeting of 30th July 2009 the recommendation presented by you on the issue of publishing members attendance records was;

"The Committee recommended that:-

(i) The working group, explore and agree methods of collation of member attendances which would enable the fullest disclosure possible to be made and that member attendances be published alongside expenses claimed from September 2010".

This was agreed by Council. Why has the information on members attendances not been published in Hartbeat or anywhere else to date?"

In response, the Chair of Scrutiny Co-ordinating Committee reported that in line with the resolution agreed by Council a number of working group meetings had been held to consider the issues which had been highlighted by Members.

The Members Attendances Working Group had a number of issues with the way that members attendances were recorded and agreed with Scrutiny Co-ordinating Committee and Council that the way information was recorded needed to reflect more accurately the time given and the commitment being made by the majority Members.

A number of recommendations were made and these were tested by Members between January and March 2010. Responses received as part of a trial demonstrated limited support for the extension/expansion of the recording process and at an additional meeting of the Working Group it was agreed that further consideration should be given to the issues and concerns which had been highlighted by the Working Group in respect of the existing database used to record attendances.

During the course of discussions, it was identified that there was clearly a mismatch between the knowledge that Councillors have of the work that they undertake on behalf of individuals, wards or the town as a whole and the perception of residents.

As a result of this the Members Attendance Working Group agreed to request that Council give consideration to utilising Hartbeat to raise the profile of work undertaken by Members on a day to day basis. Members suggested that the introduction of a series of regular articles entitled 'A Day in the Life of a Councillor' should be explored. A report was submitted to Council on 15th April

2010 updating Members on the progress of the Working Group. At that meeting, Members supported the introduction of a series of articles in Hartbeat entitled 'The Life of a Councillor'.

Members of Scrutiny Co-ordinating Committee who sit on the Member Attendance Working Group like most other Members had to divert all their energy and most of their available time to dealing with budgetary information over the summer and autumn of 2010. As a result of this there were no meetings of the Attendance Working Group held during this period. Whilst this was unfortunate, the Chair of Scrutiny Co-ordinating Committee was sure that Council as a whole would agree that the budgetary needs had to take priority for both Members and officers time.

The Members Attendance Working Group met most recently on 15th December 2010 when they concluded their work and agreed that in line with the earlier indication to Council that publication of the attendance figures should be done on a yearly basis at the same time that the Authority's accounts were published. The final report of the Working Group would be submitted to the Scrutiny Co-ordinating Committee the following day and the recommendations of Scrutiny Co-ordinating Committee would then come to Full Council. The recommendations agreed by the Working Group address the concerns expressed by Members whilst minimising the resource implications in the light of ongoing budgetary reductions across the Council. Information on Member expenses was published in the summer issue of Hartbeat and were again published within the Statement of Accounts for 2009/10. However, as the Members Attendance Working Group had not concluded its deliberations it was not possible to include the attendance record of Members at this time.

There were no supplementary questions.

In a lengthy subsequent debate, Members debated issues raised in the report including the value and most appropriate methods of recording attendances, Members involvement in the voting process at Council meetings and the benefits of recording all votes at Council.

It was moved and seconded that a recorded vote be taken in respect of all decisions taken at Council meetings to which it was agreed that the legal implications of this proposal be explored by Constitution Committee.

RESOLVED - That the legal implications of a recorded vote being taken in respect of all decisions taken at Council meetings, as proposed, be explored by the Constitution Committee.

In accordance with Council Procedure Rule 17.5 Councillor Stephen Akers-Belcher requested that his vote in favour of this proposal be recorded.

- (c) Questions to the appropriate Members on Police and Fire Authority issues, for which notice has been given.

None

133. BUSINESS REQUIRED BY STATUTE

- (i) Report on Special Urgency Decisions

None

134. ANNOUNCEMENTS

The Chair highlighted that Councillor Flintoff was ill and requested that the Council's best wishes be conveyed to Councillor Flintoff.

The Chair reported that a petition had been received from Burbank residents regarding the 516 bus service.

The Chair reminded Members that tickets were available for his Annual Charity Event on 4 March at a cost of £5.00.

135. TO DISPOSE OF BUSINESS (IF ANY) REMAINING FROM THE LAST MEETING AND TO RECEIVE THE REPORT OF ANY SCRUTINY FORUM OR OTHER COMMITTEE TO WHICH SUCH BUSINESS WAS REFERRED FOR CONSIDERATION.

None.

136. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES AND WORKING GROUPS

None.

137. TO CONSIDER ANY OTHER BUSINESS SPECIFIED IN THE SUMMONS OF THE MEETING

None.

138. REPORTS FROM THE EXECUTIVE

- (a) Proposals in relation to the Council's budget and policy framework
- (i) Formal Council Tax Setting 2010/2011 – Incorporation of Police and Fire Authority Precepts

The Finance and Procurement Portfolio Holder presented a report which enabled Council to set the overall level of Council Tax following the notification by the Police and Fire Authority of their Council Tax levels for 2011/2012. At the Council meeting held on 10 February 2011, Members had considered and

approved the proposed Medium Term Financial Strategy and this Authority's own 2011/2012 Council Tax level. In accordance with statutory requirements the Council then needed to approve the overall Council Tax, inclusive of the Police and Fire Authority precepts. The Fire Authority had set its precept and agreed to freeze its Council Tax on 4 February, 2011 and the Police Authority had set its precept on 25 February 2010 and agreed to freeze its Council Tax

Members were reminded that the determination of the overall Council Tax level was a statutory function, which brought together the individual Council Tax levels determined by this Council, Cleveland Police Authority, Cleveland Fire Authority and where applicable Parish Councils. A detailed schedule of the statutory Council Tax calculation incorporating the Police and Fire Authority Council Tax levels for 2011/2012 had been circulated, an amended copy of which was tabled at the meeting.

RESOLVED - That the amount of Council Tax including the Cleveland Police Authority and Cleveland Fire Authority precepts, in accordance with Section 40 of the Local Government Finance Act 1992 and the relevant inclusion of amounts of Council Tax for each category of dwelling in accordance with Sections 43 to 47 of the Act, as set out in Appendix A, Table 1, as amended, be approved.

- (ii) Safer Hartlepool Partnership's Crime, Disorder, Substance Misuse Reducing Re-offending Strategy 2011-2014

The Deputy Mayor sought Council's endorsement of the Safer Hartlepool Partnership's Crime Disorder and Substance Misuse Strategy for 2011 to 2014. The report included background information to the development of the strategy and details of the revised strategic objectives and annual priorities.

RESOLVED - That the Safer Hartlepool's Partnership's Crime Disorder, Substance Misuse and Reducing Re-offending Strategy 2011-2014, be endorsed.

- (b) Proposal for Departure from the Budget and Policy Framework

None

139. MOTIONS ON NOTICE

Consideration was given the following Notice of Motion:-

"The Council notes, with indignation, that whilst Hartlepool is facing a massive 25% reduction in its financial settlement over the next two years, the UK's contribution to the European Union (EU) is set to increase by an incredible 60% over two years.

This Council notes that, despite the opposition of some Conservative MPs, and Labour and Conservative MEPs, it is likely that the government will agree to a further 2.9% increase in the overall EU budget.

This Council believes that the EU should be treated the same as the other tiers of government and in these austere times should share responsibility, along with central and local government, for public spending reductions. Sharing the burden would result in less severe cuts for local authorities, and give more assistance to councils to protect front line services.

This Council therefore urges our own MP Iain Wright and his fellow MPs for Middlesbrough, Stockton on Tees, Darlington, Redcar and Easington not to support an increase in the EU budget.

Signed by: -

Councillor Chris Simmons
Councillor Marjorie James
Councillor Robbie Payne
Councillor Trish Lawton
Councillor Sarah Maness”

The motion was moved and seconded following which the reasons for presenting the motion to Council were outlined. During the lengthy debate that followed, Members made comment upon the motion with the majority of Members expressing support for the motion.

Following the conclusion of the debate, before the motion was put to the vote, the mover of the motion responded to the issues raised during the debate and sought Council's support of the motion.

The taking of a recorded vote on the motion was agreed:-

Motion put

Those in favour - Councillors C Akers-Belcher, S Akers-Belcher, Atkinson, Barclay, Barker, Brash, Cook, Cranney, Fleet, Gibbon, Griffin, Hall, Ingham, Jackson, James, Laffey, Lauderdale, Lawton, A E Lilley, G Lilley, London, Maness, A Marshall, J W Marshall, Dr. Morris, Payne, Plant, Preece, Richardson, Rogan, Shaw, Simmons, Sutheran, Thomas, P Thompson, Turner, Wells, and Wright.

Those against:- Councillor Preece

Motion carried

140. APPOINTMENT OF RETURNING OFFICER AND COUNTING OFFICER

The Chief Executive reported on the Council's duty to appoint a Returning Officer and Counting Officer. In the absence of the Chief Solicitor, due to ill

health, Council's approval was sought to the delegation of the appropriate proper officer functions to the Legal Services Manager as an interim measure.

It was suggested that the Council's best wishes be conveyed to the Chief Solicitor.

RESOLVED –

- (i) That the appropriate proper officer functions be delegated to the Legal Services Manager as an interim arrangement.
- (ii) That the Council's best wishes be conveyed to the Chief Solicitor.

141. TALL SHIPS – ADDITIONAL EVALUATION

The Chief Executive sought Council's views on whether to continue with an additional analysis in relation to the Tall Ships event at a cost of £6,500.00. It was noted that a cost of £350.00 had been incurred for work undertaken to date.

Members were of the view that due to the costs involved no additional analysis report be undertaken by Spirul Ltd as it was envisaged that the costs of such analysis should have been included in the original evaluation. Members considered that the Council Working Group was a more appropriate forum to examine this issue. It was therefore suggested that the Council Working Group be re-established to consider the future budget issues facing the Council and the remit of the Working Group be widened to include an investigation into the Tall Ships budget.

The Chief Executive's efforts in relation to negotiations with the consultants in this regard were noted.

RESOLVED that:-

- (i) No additional analysis report be undertaken by Spirul Ltd.
- (ii) The Council Working Group be re-established to consider the future budget issues facing the Council.
- (iii) The remit of the Working Group be widened to include an investigation into the Tall Ships budget.
- (iv) The appropriate proper officer functions be delegated to the Legal Services Manager as an interim arrangement.

Councillor P Thompson requested that his discontent be recorded.

The meeting concluded at 9.05 pm.

CHAIR

CLEVELAND POLICE AUTHORITY EXECUTIVE

A meeting of Cleveland Police Authority Executive was held on Wednesday 15 December 2010 in the Members Conference Room at Police HQ.

PRESENT: Councillor Caroline Barker, Councillor Barry Coppinger, Councillor Paul Kirton, Councillor Mary Lanigan, Councillor Ron Lowes, Councillor Dave McLuckie (Chair), Councillor Hazel Pearson OBE and Mayor Stuart Drummond.

Independent Members

Mr Ted Cox JP, Mr Peter Hadfield, Mr Aslam Hanif, Mr Mike McGrory JP, Mr Geoff Fell and Mr Chris Coombs.

OFFICIALS: Mrs Julie Leng, Mr John Bage and Mr Michael Porter (CE). Mr Sean Price, Mr Derek Bonnard, Mrs Ann Hall and Miss Kate Rowntree (CC).

293 **APOLOGIES FOR ABSENCE**

Apologies were received from Mr Peter Race MBE (Vice Chair) and Miss Pam Andrews-Mawer.

294 **DECLARATIONS OF INTERESTS**

There were no declarations of interest.

295 **LONG TERM FINANCIAL PLAN SETTLEMENT UPDATE**

The Assistant Chief Officer Finance + Commissioning (ACO F+C) informed Members that at the meeting of the Police Authority Executive on 25th February 2010, Members agreed the Budget proposals for 2010/11 and the Long Term Financial Plan (LTFP) for 2011/12 to 2014/15.

Members were informed that on Monday 13th December 2010, the Government announced Force allocations which gave details of Grant plus RSG/NNDR for both 2011/12 and 2012/13, plus indicative amounts for 2013/14 and 2014/15.

The major points of note were:

- Overall cash reductions of 5.1% and 6.7% in 2011/12 and 2012/13 respectively which is higher than previously announced and therefore anticipated.

- From 2011/12, the Specific Grants of the Rule 2 Grant, BCU Grant and Crime Fighting Fund will be rolled up as part of the overall grant.
- The PCSO Grant will continue to be paid separately for the next 2 years but will form part of the overall grant from 2013/14.

The ACO F+C informed Members that it can be seen from the table in 3.14 to the report, the extent of the pressures and savings are not determined solely by the direct CSR grant settlement. Some of the pressures and savings may be determined by decisions that are outside the Police Authority's control.

Members were informed that the Force will proactively develop options and strategies that would provide the means to reduce the recurring costs of the services that the Force currently provided, whilst maintaining current service levels.

The ACO F+C informed Members that a balanced budget for 2011/12, that maintained the focus on front line policing and performance improvement, will be brought to the February Police Authority Executive meeting for Members' consideration and decision. The extent and front loading of cuts and Government's assumptions around precept levels, create a risk around the delivery of a balanced position in future years which is being actively tackled to seek to mitigate, as far as possible.

ORDERED that;

1. the continuing process to deliver a balanced budget for 2011/12 be noted.
2. further briefings be arranged for January and February 2011, as required, prior to Members being asked to agree a budget for 2011/12 be noted.
3. final proposals would be brought to the February Police Authority Executive Meeting for Members' consideration and decision be noted.

VALUE FOR MONEY STRATEGY

The Assistant Chief Officer Finance + Commissioning (ACO F+C) informed Members that the paper was to update Members

on the Force's approach to Value for Money and its progress in preparing for the HMIC inspections of workforce productivity (Working for the Public) and Value for Money, assessment by the Audit Commission, and addressed the savings challenges raised by the 2010 Comprehensive Spending Review.

Members were informed that the Force had limited resource to carry out structured programmes of activity. As such, all structured service review activity would be carried out under the auspices of a new Futures Working Group. The terms of reference of the Futures Working Group were set out at Appendix A to the report.

ORDERED that;

1. the contents of the report be noted.

297

GRANT SETTLEMENT UPDATE

The Treasurer informed Members that the Minister of State for Policing and Criminal Justice had set out proposals for the aggregate amount of grant to Police Authorities and in so doing indicated a cash reduction in funding for each Police Authority of 5.1% in 2011/12 and 6.7% in 2012/13.

Members were informed that the cuts for Cleveland Police were in line with the headline numbers. The Treasurer informed Members that the cuts totaled £12m of reductions in cash over the 2 year period which equates to approximately £17m of cuts in 'Real' terms over the 2 years.

The Neighbourhood Policing/PCSO Grant had been confirmed for the first 2 years of the 4 year period, remaining as a Specific Grant and therefore will need to continue to fund the employment of PCSOs.

The Treasurer informed Members that the cuts over 2 years total nearly £12m, from a Cash perspective, and in Real terms are closer to reductions of £17m. This provided the Authority with significant financial challenges and represented a significant risk for future service delivery.

ORDERED that;

1. the contents of the report be noted.
2. the Chairman, in consultation with the Chief Executive

and the Chief Constable, to make representations in response to the proposed settlement.

298

PROJECT I FINANCIAL UPDATE

The Treasurer reminded Members that they approved at their meeting on the 15th June 2010 to enter into a Strategic Partnership Contract with Steria which would save the Authority £49.8m over the next 10 years. In addition to the contracted savings there was also the possibility to increase these savings by £22.7m, to £72.5m. This was possible through primarily identifying a further 100 Police Officer roles to be outsourced and under taken by TUPE'd support staff.

The report was to update Members on the changes that had been made to this contract since the approval and the financial impact of those changes.

The Treasurer informed Members that since approval by the Police Authority on the 15th June 2010 to enter into the contract and the 'Go-Live' date of the 1st October 2010, certain areas within the original agreement had required slight amendments and/or changes to reflect the changing wants or needs of the organisation.

ORDERED that;

1. the contents of the report be noted.
2. the increased savings on the 10 year contract of £4.1m be noted.
3. the way changes have been managed to deliver significant additional savings in the early part of the contract when the financial pressures on the Authority are the greatest be noted.
4. as with the previous indications of savings on this Project that the outsourcing, as a minimum, of a further 100 FTE Police Officer roles prior to April 2011 underpin all of the calculations of savings and if this doesn't happen in a timely manner there will be a significant impact on the finances of not just this project but the Finances of the Authority as a whole, be noted.

299

MINUTES OF THE OPERATIONAL POLICING PANEL HELD ON 23 SEPTEMBER 2010.

OPERATIONAL POLICING PANEL

A meeting of the Operational Policing Panel was held on Thursday 23 September 2010 commencing at 10.30 am in the Police Authority Members Room at Police Headquarters.

PRESENT Councillor Barry Coppinger (Chair), Mr Chris Coombs (Vice Chair), Mayor Stuart Drummond, Miss Pam Andrews-Mawer, Mr Aslam Hanif, Councillor Carl Richardson, Mr Geoff Fell, Councillor Hazel Pearson OBE and Councillor Mary Lanigan.

**ADDITIONAL
ATTENDEES** Councillor Ron Lowes

OFFICIALS Mrs Joanne Hodgkinson, Mrs Sarah Wilson and Mr John Bage (CE)
ACC Sean White, ACC Dave Pickard and Miss Kate Rowntree (CC).

300 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Dave McLuckie (ex officio) and Mr Peter Race MBE (ex officio).

301 DECLARATIONS OF INTERESTS

There were no declarations of interest

302 MINUTES OF THE MEETING HELD 22 JULY 2010

Members sought assurance regarding cost recovery for assistance given to a recent incident in Northumbria.

The Assistant Chief Constable Crime Operations, informed Members that full costs would be recovered and that the process would be concluded shortly.

Members then accepted that the minutes were a true and accurate reflection of the meeting.

303 OUTSTANDING RECOMMENDATIONS

ORDERED that:-

1. the outstanding recommendations be noted.

304 FORCE PERFORMANCE REPORT (APRIL TO AUGUST 2010)

The Assistant Chief Constable presented the report to Members on Force performance to August 2010.

Progress against the Policing Plan Priority was monitored using the Priority Indicator Set. The Priority Indicator Set provided a reduced suite of

performance measures (i.e. 'a performance dashboard'), which aimed to reflect outcome performance in relation to the local policing priority and the Chief Constables vision of Putting People First.

For 2010-11, there are 18 performance measures within the Priority Indicator Set. Of these, 5 are green, 4 are amber, 7 are red and 2 are yet to be assessed.

However, Members were informed that recorded crime continued to fall significantly. The annual target for 2010-11 was a reduction of 5.1%. The actual year to date figures showed an overall decrease of 9.8% (2,061 less crimes) when compared to last year. Reductions were been achieved in the target crime categories of most serious violence, assault with less serious injury, house burglary, vehicle crime, robbery, criminal damage and other theft.

The Chair enquired as to what the actual figures were for the most serious violent crime.

The Assistant Chief Constable Territorial Operations informed Members that the figures for this category across the whole of Cleveland were approx. 27 per month.

Members expressed concern regarding the levels of drunken or rowdy behaviour and queried if the level of drunken or rowdy behaviour was linked to the licensing laws and the availability of cheap alcohol.

Members were informed that there is a link between such and that the Force are committed to combating such activities.

Members were informed that the Force are making good progress in relation to the delivery of the 2010-11 Policing Plan Priority. The Force continued to achieve high levels of public confidence and satisfaction whilst reducing crime significantly and increasing detections.

ORDERED that;

1. the Force performance against targets be noted.

305

ANTI-SOCIAL BEHAVIOUR UPDATE

The Assistant Chief Constable Territorial Operations informed members that Anti-social behaviour is any activity that impacts on other people in a negative way. Anti-social behaviour includes a variety of behaviours covering a whole range of selfish and unacceptable activities that can blight the quality of life within communities.

Most types of anti-social behaviour fit into one of three categories: street problems, nuisance neighbours or environmental crime. The categories cover a wide range of conduct from youths behaving aggressively in shopping precincts to dog fouling and the misuse of fireworks. The full list of categories was at Appendix 1 to the report.

Members were informed that for the current financial year to date there had been 25,479 reported incidents of anti-social behaviour. This compared to 30,389 incidents reported during the same period the previous year, a decrease of 16.2%.

The Assistant Chief Constable Territorial Operations informed members that the Force underwent an Her Majesty's Inspectorate of Constabulary (HMIC) inspection of anti-social behaviour in June 2010, during which time the inspectors interviewed a range of members of staff along with representatives from the Police Authority. The Force received a draft report from the inspectors in July and is currently reviewing the content of this report in preparation of the final report being issued. The report was issued on the morning of this Panel meeting.

Members queried whether the late night licensing laws contributed to the levels of anti social behaviour.

The Assistant Chief Constable Territorial Operations confirmed that there was a link between anti social behaviour and cheap available alcohol.

Members requested for future reports, that statistical information produced by the Force should also be accompanied by a data set including the percentage of incidents per population shown by District.

ACC Territorial
Ops.

Members enquired if the Force received complaints from 'serial' complainants.

The Assistant Chief Constable Territorial Operations informed Members that they do receive complaints from some members of the public on numerous occasions, however all calls are logged and recorded, and utilized for intelligence purposes.

ORDERED that;

1. the report be noted

306

SPEED AWARENESS COURSE UPDATE

The Assistant Chief Constable Crime Operations informed members that the purpose of the report was to provide Members with a summary of the speed awareness course provision between 1st January 2010 and 6th August 2010.

Members were informed that the national speed awareness element of the National Driver Offenders Rehabilitation Scheme (NDORS) is currently offered to members of the public who have exceeded the speed limit by margins of between 10%+2 and 10%+6. The course is offered as an alternative disposal method to the issue of a fixed penalty notice and penalty points on their licence.

Between 1st January and 6th August 2010, 5,894 clients have attended courses. The average 'take up' rate for clients referred to the Local Authority Road Safety Partnership (LARSP) currently stands at 94%, with only 6% of clients declining a course after the original offer is made. The gender breakdown of those attending the course was shown at Appendix 1 to the report.

The Assistant Chief Constable Crime Operations informed Members that in June 2010, the Department for Transport (DfT) announced a reduction in the area based grant allocations awarded to local authorities for road safety partnerships. This equated to a 26.6% reduction in revenue budgets and the

full removal of all capital budgets.

At a meeting of the Strategic Road Safety Partnership in July 2010, a decision was made to explore the options available to continue with speed enforcement in Cleveland and the processing of clients onto offender re-training courses. The options included:

- Option 1 - Dissolving the partnership
- Option 2 - Continuing with a reduced enforcement capability
- Option 3 - Adopting a local model of offender retraining courses

Members were informed that Option 3 was selected as the preferred option and it was agreed that the scheme be extended to include a series of course options for use by Cleveland Police as an alternative to prosecution for a range of reportable traffic offences i.e. use of mobile telephones, non-wearing of seatbelts etc.

Members expressed concern over the reduction of funding and queried if it were possible to increase the cost of the course to clients.

The Assistant Chief Constable informed Members that considerations had taken place on a number of areas and that the charging for the course was a delicate balance between funding the course at the correct rate to attract clients and raising the charge too much deterring them from attending. There is also considerations being given to extending the course to a full day for those caught at 10% + 6.

ORDERED that;

1. the report be noted.
2. an updated report be brought in 6 months be agreed.

307

POLICING PLEDGE UPDATE

The Assistant Chief Constable Territorial Operations informed Members that in December 2008 the Home Office introduced the Policing Pledge, in the Policing Green Paper – 'From the neighbourhood to the national: policing our communities together', (Home Office 2008). The Pledge is the police service's commitment to the public and sets out minimum standards of service they can expect to receive.

The overall impact of the pledge is expected to be an improvement in public confidence. The pledge is endorsed by ACPO nationally and the Chief Constable signed up to delivering the Pledge commitments on behalf of the Authority and Force. Delivery of the pledge is monitored by HMIC through their inspection process. A sub-group of the Citizen Focus project board was established to develop systems to meet the Policing Pledge. This sub-group reports to and is monitored by the Citizen Focus Project Board chaired by the Assistant Chief Constable (Territorial Operations). The Authority has both Officer and Member representation on the project board.

Members were informed that in June 2010 the new Home Secretary announced that the single measure confidence target and the Policing Pledge were to be scrapped.

The Assistant Chief Constable Territorial Operations informed Members that

whilst the Coalition Government have withdrawn political support for the Policing Pledge. The Force plans to continue to drive performance within the ten key areas of the Pledge and will discuss at a future point the 'positioning' of Cleveland Police around the Pledge.

ORDERED that;

1. the report be noted.

308

END OF YEAR AUTHORITY CONSULTATION REPORT

The Consultation & Performance Officer informed Members that the report presented the findings of consultation activities undertaken by Cleveland Police Authority, Cleveland Police and partner agencies from October 2009 to September 2010.

Members were informed that the joint Force and Authority Local Confidence Survey was introduced in October 2009, and replaced the previous Neighbourhood Survey. The survey was conducted via telephone interview by an independent research company. Between October 2009 and January 2010, 2400 interviews were conducted in order to establish a statistically significant and representative baseline sample from each of the four policing Districts. From April 2010 onwards interviews have been conducted on a rolling basis, with 2400 undertaken per year.

Members were informed that the full list of consultation activities carried out over the indicated time periods was found at Appendix 1 to the report.

Demographic data on age, gender and ethnicity was collected, which enabled the Force and Authority to determine if certain sectors of the population are under represented in the survey results. If this was found to be the case, then additional consultation activities were organised with the under represented groups. If results indicate that a particular issue was a concern in a particular area then an additional consultation was arranged to explore the issue in greater depth.

The Consultation & Performance Officer informed members that the Police Act 1996, as amended by the Police and Justice Act 2006, stipulated that the Force and Authority will produce an annual, rolling three year Policing Plan which will be informed by the consultation activities.

Members queried why certain 'crucial crew' type activities were only carried out in two of the four policing Districts.

The Consultation & Performance Officer informed Members that it was difficult to take part in certain areas, as the time periods available were taken up by organisations currently carrying out such.

ORDERED that;

1. cognisance be taken of the consultation findings at Appendix 1 to the report, to assist in setting the local policing priorities for 2011 – 2012, be agreed.

309

CONSULTATION STRATEGY 2010 – 2013

The Strategy Manager informed Members that the Joint Consultation

Strategy was last approved by the Community Protection Panel on 22nd April 2009. The Joint Consultation Strategy had been updated to take account of the new 2010 Police Authority Community Engagement and Membership regulations (Policing and Crime Act 2009).

In addition, to ensure the consultation strategy (2009-2012) was fit for purpose and offered value for money an independent evaluation was commissioned in May 2010.

Members were informed that the updated Consultation Strategy (2010-2013) had been received to take into account the key findings of the evaluation report.

The Joint Consultation Strategy will enable Cleveland Police and Police Authority to effectively engage with local people. The strategy will ensure that a structured, well planned programme of consultation activity is integrated into Cleveland Police and Police Authority's planning processes.

The Chair reminded Members that the Neighbourhood Police Teams have on-going consultation with the many communities they serve and queried if this information is fed into the process.

The Strategy Manager informed Members that the information was included into the strategy document and that a report is to be brought to the next Panel meeting on Ward priorities.

ORDERED that;

1. the revised Joint Consultation Strategy be agreed.

310

MINUTES OF THE STRATEGIC PERFORMANCE GROUP

Members inspected the minutes of the Strategic Performance Group meetings held on:

- 25 June 2010
- 29 July 2010
- 27 August 2010

ORDERED that;

1. the minutes of the above meetings be noted.

311

MINUTES OF THE LEADERSHIP PANEL HELD ON 27 SEPTEMBER 2010.

LEADERSHIP PANEL

A meeting of the Leadership Panel was held on Monday 27 September 2010 in the Members Conference Room at Police Headquarters.

PRESENT:

Miss Pam Andrews-Mawer, Mr Chris Coombs, Cllr Barry Coppinger, Mr Ted Cox JP, Mr. Aslam Hanif, Mr Mike McGrory, Cllr Dave McLuckie (Chair). and Mr. Peter Race MBE
Mr Michael Porter, Treasurer

ADDITIONAL
MEMBERS

Mr Geoff Fell

312

APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs Julie Leng.

313

DECLARATIONS OF INTERESTS

There were no declarations of interests.

314

MINUTES OF THE PREVIOUS MEETING HELD ON 20 JULY 2010

The minutes of the previous meeting held on 20 July 2010 were accepted as a true and accurate record.

315

POLICE AUTHORITY BUSINESS PLAN UPDATE

The Treasurer advised Members that there were no additional updates since the last meeting. It was anticipated that the next impact on the Business Plan would be the Comprehensive Spending Review which was due on 20 October 2010.

316

POLICE AUTHORITY RISK REGISTER – SEPTEMBER 2010

The Treasurer provided Members with the opportunity to review and authorise changes to the Cleveland Police Authority (CPA) Risk Register and Action Plan.

The Cleveland Police Authority Risk Register is updated after scrutiny by the monthly Joint Risk Management Group and the Audit and Internal Control Panel.

At the July meeting of the Joint Risk Management Group and the agreed August meeting of the Audit and Internal Control Panel it was agreed to insert relevant items from the Cleveland Police Authority Baseline Assessment – a risk identification exercise first carried out in January – onto the CPA Risk Register. In addition to this various partnership risks have been identified around funding of PCSOs and the Sexual Assault Referral Centre (SARC), and the Police Authority Inspection highlighted a perceived weakness in the scrutiny of protective services. This was further discussed at the August Joint Risk Management Group meeting and the CPA Risk Register attached at Appendix A to the report and the Action Plan at Appendix B have been amended accordingly.

Members were asked to note that Project I risks were considered on an emerging risk register maintained by the Project Team and that at the July Joint Risk Management Group it was agreed that these risks would be refined and assessed in order to migrate them to the Force Strategic Risk Register or the CPA Risk Register in the near future.

Future risks associated with new Government Policies on Policing will have to be considered as and when proposals are forthcoming for inclusion in legislation and regulation. It was noted that future funding risks were already included in the Risk Register together with an indication that there are potential governance risks. A further area for consideration would be the impact of Government proposals for VfM initiatives, such as central

procurement and forced collaboration, on the Project I contract.

This report is part of the ongoing process within both the Authority and the Force to embed risk management in every aspect of the business.

317

EXCLUSION OF THE PRESS AND PUBLIC

ORDERED that pursuant to the Local Government Act 1972 the press and public be excluded from the meeting under paragraphs 1 and 3 Part 1 of Schedule 12A to the Act.

318

POLICE AUTHORITY BUDGET 2010 / 11 and SAVINGS FOR FUTURE YEARS

The Treasurer provided Members with an update on expenditure to the end of August 2010 against the 2010/11 budget and also set targets for future savings and highlight areas where these saving could potentially be developed from.

The spreadsheet attached at Appendix A to the report detailed the Outturn for 2009/2010, the original budget for 2010/11 and progress to date against the 2010/11 budget.

This report updated Members on the progress against the 2010/11 budget and to involve Members in future plans and options to reduce spend in the future in line with the expected reductions in grant funding.

Members were aware of the expected budget cuts that were likely to impact from 2011-12 onwards. The current estimate of the size and phasing of these reductions was summarized in Appendix B in terms of forecast reductions in the Net Budget Requirement (NBR).

The proposal was that the Authority set targets to deliver savings from its current budget that are in line with the expected reductions in NBR over the next 4 years.

Appendix A detailed the 201-11 budget and actual expenditure so that Members could consider which areas they feel were appropriate to make savings and/or reductions in.

This report was part of the ongoing process within the Authority to improve governance in every aspect of the business.

ORDERED that:-

1. The budget to the end of August was slightly under spent after removing the impact of the one off expenditure relating to the previous redundancy be noted.
2. The methodology, as per paragraphs .3. and 3.4, for setting the savings targets for future years' budgets be approved.
3. The areas where future savings were expected to be developed be noted and that it would require difficult decision on where to reduce spending for all areas within the Authority's budget.

ACTING CHIEF EXECUTIVE

The Treasurer sought Members approval to extend the current Acting arrangements in relation to the Chief Executive post on a ongoing basis until May 2012.

Following the Leadership Panel meeting on 23 February 2010 and subsequent report to the Police Authority Executive on 25 June 2010 Members agreed that the Deputy Chief Executive should fulfill the position of Chief Executive on an Acting basis for a period of six months commencing on 1 July 2010 during which time the role would be reviewed and advertised.

Since that decision was taken the Government has put forward proposals to change the current Governance arrangements with a view to implementing any new arrangements from May 2012.

During this consultation and period of uncertainty it was felt that it would be inappropriate to advertise the role of Chief Executive as any contract would have to be offered on a short fixed term contractor risk facing a redundancy situation in May 2012.

It was proposed that the current Acting Chief Executive should remain until May 2012 when the new Governance arrangements are introduced. This similar decision has been taken in other Police Authority's. This would ensure that the Authority continues to be appropriately management during the transitional arrangements.

ORDERED that:-

1. the current Acting Chief Executive arrangements be extended until May 2012 subject to satisfactory performance reviews.
2. the remuneration package detailed within the report be agreed.
3. the job description attached at Appendix 1 to the report be agreed.

**MINUTES OF THE POLICE AUTHORITY EXECUTIVE
HELD ON 29 SEPTEMBER 2010**

ORDERED that the minutes of the Police Authority Executive held on 29 September 2010 were submitted and approved and signed by the Chair as a true and accurate record.

**MINUTES OF THE AUDIT & INTERNAL CONTROL PANEL
HELD ON 21 OCTOBER 2010****AUDIT AND INTERNAL CONTROL PANEL****ACTION**

A meeting of the Audit and Internal Control Panel was held on Thursday 21 October 2010 commencing at 10.30 am in the Members Conference Room, Police Headquarters.

PRESENT

Mr Mike McGroary JP (Chair), Mr Peter Hadfield (Vice Chair), Mr Geoff Fell, Councillor Mary Lanigan, Mr Chris Coombs and Councillor Caroline Barker, Mr

Ron Lowes, Mayor Stuart Drummond and Councillor Dave McLuckie (ex officio)

OFFICIALS Mr Michael Porter, Mrs Julie Leng and Mr John Bage (CE).
Mr Derek Bonnard, Mrs Ann Hall and Miss Kate Rowntree (CC).

AUDITORS Mrs Sue Turner, Mr Ian Wallace – Internal Auditor (RSM Tenon),
Mr Paul Heppell and Ms Lynne Snowball – External Auditor (Audit Commission)

322 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr Peter Race MBE (ex officio).

323 **DECLARATIONS OF INTERESTS**

There were no declarations of interest.

324 **MINUTES OF THE PREVIOUS MEETING HELD 10 AUGUST 2010**

The minutes were agreed as a true and accurate record.

325 **OUTSTANDING RECOMMENDATIONS**

ORDERED that:-

1. the Outstanding Recommendations were noted and updated.

326 **EXCLUSION OF PUBLIC ACCESS**

The Acting Chief Executive informed and updated Members on the contents within the Code of Corporate Governance which determine the instances where it is appropriate for Members to consider passing a resolution to exclude the press and public from Police Authority Meetings.

Members were informed that the Code of Corporate Governance contained within it, the Standing Orders which regulate the proceedings of Cleveland Police Authority. Standing Order No. 10 which was attached at Appendix A to the report regulated the instances when the Exclusion of Public Access is appropriate and where reports may be considered 'Below the Line'.

A Member proposed a Motion that the issue of Public Access be brought to a full Police Authority Executive for consideration, citing that all agenda items should be in the public domain.

Members expressed their content that the business debated by Panels, which have plenary powers, is sufficiently and effectively controlled and agreed that there may be occasions when Members should have the authority to debate issues in private.

A Member suggested that the report should go to the Police Authority Executive unless the Monitoring Officer for the Police Authority indicated

otherwise. Members were informed that there was a duty of care to the public for openness and that the 'public interest test' needed to be applied.

The Secretariat Support Manager informed Members that exemptions are permitted by statute under the Local Government Act 1972. He informed Members that the reason they are in place is to protect individuals and / or organisations and also because the Police Authority must ensure that the public interest in maintaining any exemption, will always outweigh the public interest in disclosing the information.

The Chair asked the Member if they wish to proceed with the proposed Motion.

The Member withdrew the proposed Motion.

ORDERED that;

1. the report be noted.
2. the contents of Standing Order No 10 – Exclusion of Public Access be noted.

327

INTERNAL AUDIT PROGRESS REPORT

The Internal Auditor informed Members that the periodic internal audit plan for 2010/11 was approved by the Audit and Internal Control Panel on 03 June 2010.

Members were informed the report summarised the outcome of work completed to date against that plan. Appendix A to the report outlined the detailed internal audit plan approved by the Panel, whilst Appendices B and C provide cumulative data in support of internal audit performance.

Members were informed that a meeting had taken place on 25 August 2010 with representatives from both the Authority and the Force to ascertain whether Project I would have an impact upon the Internal Audit Plan for 2010/11. The outcome of this meeting was that there are no changes required to the Internal Audit Plan.

ORDERED that;

1. the report be noted.
2. the proposed amendments made in para 6.1 of the report be agreed.

328

CONTRACT MONITORING / MANAGEMENT

The Internal Auditor informed Members that the fundamental responsibility for the selection and formation of contracts for Cleveland Police Authority lies within the central Commissioning Unit. The recently implemented Procurement Transformation Project sought to improve the overall management of contracts through the use of Category Management.

Each member of the Commissioning Unit had been assigned a number of categories from which to assist contract owners in monitoring the performance and compliance of contractors. This aimed to drive contract owners to establish their own system of controls to ensure contracts were delivered efficiently, while freeing resources in the Commissioning Unit.

Members sought assurance that the indicated reductions in staffing posed no risk to the organisation.

The Assistant Chief Officer Finance & Commissioning informed Members that the suggested reductions in staffing included abstractions of staff to Project I and the MPR process. She further informed that 94% of the Forces contracts are part of a national contractual arrangement. This then ensured that a degree of work in relation to checking viability had already been carried out prior to arriving at Force.

ORDERED that;

1. the report be noted.

329

COMPLIANCE WITH CONTRACT STANDING ORDERS

The Internal Auditor informed members that the Force's Procurement Transformation Programme commenced in February 2009 and had reviewed the entire procurement process across the Force.

This had realigned to modern best practices; this had been completed in March 2010. Strategic Procurement sat within the Commissioning Service Unit at the Authority's Headquarters and dealt with high value/high risk and EU procurement. In addition, they provided support, advice and guidance to Service Units with regard to procurement issues.

Members were informed that the organisation had introduced an E-Procurement system in mid-2005 and the use of Blue Light E-Tendering in April 2009 in order to streamline the procurement process.

Relevant training had been provided on the systems in place to staff involved in the procurement process. The organisation had provided additional training to ICT and Estates where strategic procurement had devolved responsibility for quotations up to £50,000. Procurement expenditure focused on the value spent with supplier and this expenditure amounts to £46 million.

ORDERED that;

1. the report be noted.

330

DATA QUALITY REPORT

The Internal Auditor informed Members that the Incident Control Room is often the first point of contact for members of the public when dealing with the police. The Force's ability to communicate effectively with the public is a critical factor in achieving their goals of reducing crime and making people feel safer, while protecting and enhancing the reputation of the Force.

Members were informed that the Communications Department is split into

three parts: the Incident Control Room, Dispatches, and the Crime Bureau. The Incident Control Room deals with all emergency and non-emergency calls from members of the public who call to report crimes and incidents and make general enquiries. The centre receives an average of 1000 calls per day and aims to answer these calls within 30 seconds for non 999 and within 10 seconds for 999 calls.

All calls received by the Incident Control Room are entered onto ICAD (IntergraphCAD) and information is transferred to IRIS (Integrated Records Information System) at set intervals throughout the day. The IRIS system records details of people, organisation, businesses, property, location, events, association, vehicles and the sophisticated relationship between them to create a profile of an individual.

The Force is governed by a number of quality standards which include the National Crime Records Standards (NCRS), the National Standards of Incident Recording (NSIR) and the Home Office Counting Rules.

Members sought assurance regarding the time delay in the switching of data from the iCAD system to the IRIS system.

The Deputy Chief Constable informed Members that there was currently an on-going project and are working with Steria to consider this. In addition this area of work is currently on the Risk Register to ensure that strategic governance of the Force is adhered to. Currently the present delay is not an operational problem.

ORDERED that;

1. the report be noted.

331

ANNUAL AUDIT LETTER

The External Auditor informed Members that the audit of the financial statements and the Audit Commissions assessment of the Police Authority's arrangements to achieve value for money in your use of resources formed the basis of the report.

The Audit Commission referred Members to page 4 of the report where Members were given the conclusions of the report.

The Audit Commission informed Members of a specific issue arising during the audit, the Audit Commission suggested that members should consider recommendations to improve any decision making process, namely;

- ensure that Committees and Panels of the Authority only consider issues within their terms of reference and the Authority's scheme of delegation;
- ensure appropriate professional advice, including financial, legal and human resource advice as appropriate for all reports, with all relevant information reported to ensure an informed decision making process.

The Chair of the Police Authority thanked the Audit Commission for their extremely helpful and enlightening report. He informed the meeting that the Police Authority can build on the positive aspects of the report in the

challenging times ahead. He confirmed to the Audit Commission that the Police Authority do ensure that every penny spent is done so as effectively and efficiently as possible.

The Chair of the Police Authority informed Members that in response to the Audit Commission's review of a specific issue, he could not at this stage agree with their findings. He informed the Panel that the Police Authority always ensures that its Panels consider issues within their Terms of Reference and always takes the appropriate professional advice.

The Chair of the Police Authority then explained to the Panel, in detail, the process that was taken regarding this matter, this included the full legal and financial positions for which advice had been sought. He informed Members that Counsel were very clear in their position that Panels with "Delegated Powers" can make their own decisions.

Members were informed that with reference to the request for additional audit fees, the Chair of the Police Authority explained to the Panel that any auditing body would expect the Police Authority to request a detailed breakdown of why there was a necessity for additional fees. The Police Authority do not feel it unreasonable to request information for this level of scrutiny

332

EXCLUSION OF THE PRESS AND PUBLIC

ORDERED that pursuant to the Local Government Act 1972 the press and public be excluded from the meeting under Paragraph 7 of Part 1 of Schedule 12A to the Act.

333

STRATEGIC RISK MANAGEMENT & SERVICE CONTINUITY PLANNING – REPORT OF THE CHIEF CONSTABLE

The Deputy Chief Constable informed Members that the purpose of the report is to provide Members with an update on progress in implementing both risk management and service continuity planning in the Force and to increase awareness of the strategic risks facing the Force.

Members raised a number of queries on the Risk Register which were answered by the Deputy Chief Constable to the satisfaction of Members.

Members sought assurance regarding the issue of both the Force and Steria mitigating Risk.

The Deputy Chief Constable informed Members that both organisations implement risk management processes and that a number of staff had been transferred to aid continuity.

Members were informed that the Force's integrated approach to strategic risk management and service continuity planning is progressing on a systematic basis with the intention of developing robust risk management and service continuity plans and embedding a risk management culture by March 2011.

ORDERED that;

1. the report be noted.

CLOSE OF MEETING

334

MINUTES OF THE PROFESSIONAL STANDARDS PANEL HELD ON 27 OCTOBER 2010

PROFESSIONAL STANDARDS PANEL

ACTION

A meeting of the Professional Standards Panel was held on Wednesday 27th October 2010 in the Members Conference Room at Police Headquarters.

PRESENT: Mr Ted Cox JP (Chair), Mr Peter Hadfield, Mr Aslam Hanif, Cllr Mary Lanigan (Vice Chair), Mr Mike McGrory, Cllr Hazel Pearson OBE, Mr Peter Race MBE.

OFFICIALS: DCC Bonnard, Inspector Ian Kelly (Professional Standards), Mrs Jacqueline Chaffey (Legal) and Miss Kate Rowntree (CC)
Mrs Jayne Harpe (CE)

335

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Caroline Barker, Cllr Ron Lowes, Cllr Dave McLuckie (ex officio), Superintendent Martin Campbell and Mrs Joanne Morkman.

336

DECLARATIONS OF INTERESTS

There were no declarations of interests.

337

MINUTES OF THE PREVIOUS MEETING 2 FEBRUARY 2010

The minutes of 29th July omitted apologies from Cllr Hazel Pearson OBE and Superintendent Martin Campbell. The minutes to be amended accordingly.

338

OUTSTANDING RECOMMENDATIONS

The Chair had requested a verbal update on the statistics pertaining to TASER usage. A verbal update was given by Inspector Kelly. This item now discharged.

339

CIVIL CLAIM STATISTICS

The Legal Advisor presented the Civil Claim Statistics for the period 1st April 2010 – 30th September 2010. The Panel was informed of the number and types of civil claims against the Force received during that period, the amount paid out for those claims finalised during the period and the amount recovered. The report also detailed a comparison between the Basic Command Units.

The Deputy Chief Constable asked Members if they would like the format of the report changing to incorporate trend information, this was welcomed by the Panel.

ORDERED that:

1. Members noted there had been a 4.22% (3) decrease in number of claims received when compared with the same period last year. Public liability was the leading category.

2. There had been a 48% increase in the number of claims finalised when compared with the same period last year.
3. 44.15% (34) of finalised cases during the period were successfully defended which was to be compared with 28.85% successfully defended during the same period last year.
4. The 43 cases settled during the period cost the Force £302,690. This was to be compared with the 37 cases settled during the same period last year at a cost of £164,610.
5. Headquarters was the area with most claims. These included claims connected with public, motor, Custody and Roads Policing Unit.
6. The contents of the report be noted.

340

COMPLAINTS AGAINST POLICE

An representative from Professional Standards Department presented the Complaints Against Police for the period 1st July 2010 to 30th September 2010. The Quarterly Progress Report on Complaint Issues for Cleveland Police for the period 1st July to 30th September 2010 was attached to the report. The report was produced in this format to be National Intelligence Model (NIM) Compliant.

There had been a 5% decrease in the number of cases recorded during that period (129 to 122), with a 12% increase in the number of complaints (198 to 221).

Complaints of "other neglect/failure in duty" and "Incivility" continued to outnumber those of "Assault" allegations, 42 and 44 complaints respectively, compared to 37 in the "Assault" categories.

33% (51) of completed complaints had been locally resolved. During that period 80% (41) of locally resolved complaints had been by District and 20% (10) by the Professional Standards Department.

There had been a decrease in the number of cases, and an increase in the number of complaints during the reporting period. Lessons continued to be learned from the complaints raised which were identified in the report.

182 letters of appreciation had been received and broken down as follows:

Hartlepool	16
Redcar & Cleveland	28
Middlesbrough	18
Stockton	25
Crime Operations	1
Specialist Ops & Coms	94

ORDERED that:

1. The contents of the report be noted.

341

DELIBERATE DAMAGE STATISTICS

The Deputy Chief Constable informed Members of the cost to the Force of deliberate damage by way of forced entry into premises for the period 1st July 2010 to 30th September 2010 and of the operational results achieved through such forced entry and other premises searches.

Members were informed that the Force had paid out £6,992 in compensation for acts of deliberate damage, this compared to £12,762 paid out in the same period during the previous year. Whilst 2738 searches were conducted, only 201 (7.3%) resulted in deliberate damage compared to 7.9% in the previous year. The value of property, cash and drugs seized totaled £1,034,394 (including a pick-up truck and a 3 series BMW) compared to £740,429 seized during the same period in 2009.

ORDERED that:

1. The contents of the report be noted.
2. The operational benefits accruing to the Force in terms of property, drugs and cash seized, outweigh the cost of the damage claims be noted.

342

EXCLUSION OF THE PRESS AND PUBLIC

ORDERED that pursuant to Section 100a(4) of the Local Government Act 1972, excluding the press and public from the meeting under Paragraphs 1 and 7 of Part 1 of Schedule 12A to the Act.

343

CASES FROM THE COMPLAINTS REGISTER

Members of the Complaints Panel were shown the cases from the Complaints Register which had previously been selected by the Panel Chair.

344

MINUTES OF THE POLICY & RESOURCES PANEL HELD ON 28 OCTOBER 2010

POLICY & RESOURCES

A meeting of the Policy & Resources Panel was held on Thursday 28 October 2010, commencing at 10.00 am in the Members Conference Room at Police Headquarters.

PRESENT

Mr Aslam Hanif (Chair), Councillor Hazel Pearson OBE (Vice Chair), Councillor Barry Coppinger, Miss Pam Andrews-Mawer, Councillor Ron Lowes, Mr Peter Race MBE (ex officio), Councillor Paul Kirton and Councillor Carl Richardson.

OFFICIALS

Mr Michael Porter and Mr John Bage (CE).
Mr Sean Price, Mr Derek Bonnard, Mrs Anne Hall and Miss Kate Rowntree (CC).

345

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Dave McLuckie (ex officio) and Mr Ted Cox JP.

346

DECLARATIONS OF INTERESTS

There were no declarations of interests.

Action

347 **MINUTES OF THE POLICY & RESOURCES PANEL HELD ON 26 AUGUST 2010**

The minutes were agreed as a true and accurate record.

348 **OUTSTANDING RECOMENDATIONS**

ORDERED that:-

1. the Outstanding Recommendations be noted.

349 **BUDGET MONITORING REPORT to 31 AUGUST 2010**

The Assistant Chief Officer Finance + Commissioning (ACO F&C) presented the report. Members were reminded that on 25 February 2010 they had approved a Net Budget Requirement (NBR) of £132,172k and budgeted revenue expenditure of £149,573k, the balance of expenditure being funded by specific grants, other income and transfers from reserves. The report set out the year end position against delivery of that budget and was part of the process introduced by the Authority to maintain prudent financial management.

Members were informed that the Authority is on target to deliver a £350k under spend against the revised expenditure plan for 2010/11. The position to date and the year-end forecast were shown at Appendix A to the report. No material risks, other than those set out in the Risk Monitor at Appendix D to the report, had been identified to this position.

The Assistant Chief Officer Finance + Commissioning (ACO F&C) highlighted to Members a risk already previously identified within the risk register due to the crystallisation of holidays owing for staff transferring to Steria on 1st October 2010.

She drew Members attention to the fact that the risk had been identified as being £275,000 but had, through the MPR process and hard work of manager and all staff, been reduced to some £55,000.

However, Members were informed that People and Diversity are managing the process and communicating with all staff in order to minimise the impact.

ORDERED that:-

1. the report be noted.

350 **CAPITAL MONITORING TO 31 AUGUST 2010**

The Assistant Chief Officer Finance & Commissioning (ACO F+C) reminded Members that they had approved the capital programme of £10,209k for 2010/11 and the capital plan for 2010/14 at their meeting on 25th February 2010. Members were informed that the report set out the progress against delivery of the programme and is part of the process introduced by the Authority to maintain prudent financial management.

Members were informed that the programme included new schemes;

schemes carried forward from 2009/10 and unallocated funding. Subject to Members approving the proposed changes, along with the previous approved changes shown in Appendix B to the report, the budget now stood at £11,345k in 2010/11.

The Assistant Chief Officer Finance & Commissioning (ACO F+C) informed Members that the £3.5k indicated at para 3.2 to the report on the Vulnerable Persons Unit (VPU), related to invoices being received in 2010/11 for work which needed to be capitalised and therefore funds had been transferred from the revenue budget to accommodate this.

The Assistant Chief Officer Finance & Commissioning (ACO F+C) informed Members that the HQ Lift Replacement was now underway and would be done with-in the current financial year.

ORDERED that:-

1. the report be noted.
2. the funding from revenue of £3.5k of capital costs in relation to VPU be noted.

351

TREASURY MANAGEMENT TO 31 AUGUST 2010

The Assistant Chief Officer Finance & Commissioning (ACO F+C) reminded Members that they agreed an investment strategy for 2010/11 in line with the CIPFA Code of Practice at their meeting on 25th February 2010. The report was to update Members on the status of the Authority's investments and borrowing. It is part of the process introduced by the Authority to maintain prudent financial management.

Members were informed that conditions within the Financial Markets remain significantly less turbulent than they had been, however the Force continued to only place investments with a select few institutions and where possible the Force primarily placed those investments where the money is instantly accessible.

The protection of the Authority's underlying investments will continue to be of utmost importance throughout 2010/11. To that end the investments of the Authority will continue to be placed in a prudent manner and also one that ensures sufficient funds are available to meet its' commitments as they become due.

ORDERED that:-

1. the report be noted.

352

SICKNESS ABSENCE REPORTING

The Deputy Chief Constable updated Members on sickness absence levels for the financial year to 31st March 2010 and provided an update for the first four months of the current financial year to 31st July 2010.

Members were informed that the Home Office figures for the year ending March 2010 showed that the sickness rate for Cleveland Police Officers had been maintained at 2.7%. Furthermore the rate for police staff had shown

another improvement to 3.8%.

This kept Cleveland top of our Most Similar Force (MSF) group for Police Officer sickness, and second top for police staff. The police officer rate was also reflected on a national basis where there are only three Forces who had a rate better than 2.7% during this period. The national average was 3.7%. The police staff rate of 3.8% is below the national average of 4.3%.

Members congratulated the Force on its achievements and noted that this showed that it demonstrated an effective but caring management style.

Members commented that there is a direct correlation between absence and morale and during the recent business of transferring of staff there appeared to be a very good atmosphere.

Members requested that congratulations be passed onto all Police and Steria staff for their achievements.

ACO F+C

ORDERED that:-

1. the report be noted.

354

PROCUREMENT REPORT FOR THE REPAIR & MAINTENANCE OF POLICE VEHICLES

The Assistant Chief Officer Finance & Commissioning (ACO F+C) informed Members that the purpose of the report was to advise Members of the procurement process undertaken during the recent tender exercise for the 'Maintenance and Repairs of Police Vehicles'.

Members were informed that the current contract is split into five separate agreements in order to cover each of the four Districts and HQ, with each of the areas covered by a different service provider. This approach had proven to offer best value and helps to minimise officer downtime when vehicles require servicing or urgent repair works.

The procurement process had been completed in line with European Legislation. The use of the open procedure gave an opportunity for all interested parties to participate. The tender submission had fully met the specification required by Cleveland Police. The Evaluation Team are fully confident that the procurement process had achieved Best Value.

ORDERED that:-

1. the procurement method, analysis used and the recommendation put forward by the Evaluation Team be noted.
2. the four submitted tenders (3, 4, 5 & 6) as the best value solution, be agreed.

355

EXCLUSION OF THE PRESS AND PUBLIC

ORDERED that pursuant to the Local Government Act 1972 the press and public be excluded from the meeting under Paragraph 3 of Part 1 of Schedule 12A to the Act.

HMIC VALUE FOR MONEY UPDATE

The Treasurer updated Members on the HMIC Value for Money Profiles and to highlight those areas from a financial perspective where Cleveland Police are significantly different to both its Most Similar Group of Forces and all Forces in England and Wales.

Members were reminded that they received a report on the 27th January 2010 that established the importance of the HMIC Value for Money Profiles and how they link with the Police Report Card and the “balanced scorecard” approach that is under taken as part of this assessment. From this, HMIC would draw conclusions about the performance of individual Forces and Authorities.

Members sought assurance regarding the additional numbers of police officers as indicated at para 3.11 to the report.

The Chief Constable reassured Members that the greater numbers of police officers was due to the fact that following many consultation exercises, it had been apparent that this was exactly what the public demand.

Members were informed that this allowed a greater standard of neighbourhood policing, it had assisted in reducing crime and this had subsequently increased public confidence.

ORDERED that;

1. the contents of the report be noted.
2. the Value for Money Strategy referenced in the report to the June meeting is brought to the December meeting be agreed.
3. the future savings options, that are required to balance the 2011-12 budget and 2011-15 LTFP, utilise these summary findings as appropriate to develop savings and efficiencies while maintaining service levels and that the LTFP references how the planned savings will impact upon these Value for Money profiles be agreed.
4. due to the provision of higher than average levels of Police Officers, PCSO's and Police Support Staff, the resultant continuing reductions in crime, and increased levels of public confidence be noted.

357

MINUTES OF THE SPECIAL POLICE AUTHORITY EXECUTIVE HELD ON 10 NOVEMBER 2010

ORDERED that the minutes of the Special Police Authority Executive held on 10 November 2010 were submitted and approved and signed by the Chair as a true and accurate record.

358

MINUTES OF THE STRATEGIC AIR SUPPORT PANEL HELD ON 11 NOVEMBER 2010

STRATEGIC AIR SUPPORT

A meeting of the Strategic Air Support Panel was held on Thursday 11 November 2010 commencing at 2.00pm in the Members Conference Room at Police Headquarters.

PRESENT: Mr Peter Race MBE (Chair), Mr Ted Cox JP (Vice Chair), Mr Chris Coombs and Councilor Ron Lowes.

OFFICIALS: Mr John Bage (CE)
Mr Dave Pickard, Mr Simon Wilkinson and Miss Kate Rowntree (CC)

359

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councilor Dave McLuckie (ex officio) and Councillor Mary Langan.

360

MINUTES OF THE PREVIOUS MEETING HELD ON 12 AUGUST 2010

The minutes were held as a true and accurate record.

361

OUTSTANDING RECOMMENDATIONS

The Assistant Chief Constable (Crime Operations) updated Members on the National Air Support Service. The Unit Executive Officer (UEO) is monitoring this process, and will report back to the Panel when appropriate.

ORDERED that;

1. the Outstanding Recommendations were noted.

362

AIR OPERATIONS UNIT PERFORMANCE UPDATE

The Assistant Chief Constable (Crime Operations) informed Members that the report was to provide Members with an update on the performance and finances of the Air Operations Unit. The performance data was attached at Appendix A to the report.

The helicopter continued to perform extremely well and was involved almost daily in incidents which are significant for the Force.

Members requested if previous statistical information could be provided in reports as well as current data, so that comparisons can be made for

scrutiny purposes.

The Assistant Chief Constable (Crime Operations) confirmed to Members that this would be included from the next meeting.

**ACC Crime
Ops**

ORDERED that;

1. the report be noted.

363

NATIONAL AIR SUPPORT SERVICE UPDATE

The Assistant Chief Constable (Crime Ops) updated Members on the latest developments with the proposals for a National Air Support Service.

Members were informed that a paper was presented at a recent Chief Constables Council by Chief Constable Alex Marshall and made a recommendation to change from the existing 31 bases, operating 33 aircraft, to a new model of 21 bases operating 23 aircraft.

The Cleveland based helicopter would be expected to cover where required, but in reality the Force would be regularly covering a lot of Durham's area and the northern half of North Yorkshire. It appeared that the Force would be expected to cover these other Forces, but with the same flying hours that they presently operate for Cleveland only.

The Assistant Chief Constable (Crime Ops) informed Members that the plans for a National Air Support Service are still being progressed and it is still the aim of having a fully operational national unit in place by April 2012. Members were informed that the aims of the scheme appeared laudable and with the present financial pressures there is the opportunity to make significant savings for the Force.

The Panel Chair informed Members that the decision to have two operational bases in the area vindicated Cleveland's decision to have their own air operations unit.

The Panel Chair to write to Brian Greenslade, APA representative dealing with national air operations.

Chair

ORDERED that:

1. the report be noted.

364

PROCUREMENT UPDATE IN RELATION TO THE PURCHASE OF THE NEW HELICOPTER

The Assistant Chief Constable (Crime Ops) informed Members that the report was to update Members on the purchase of the new helicopter.

Cleveland's new helicopter arrived in the UK in the summer and was now in the process of being painted and kitted out with all the specialist role equipment.

Members were informed that when the helicopter has had all the role equipment installed, the Unit Executive Officer (UEO) will attend Eurocopter for the full acceptance process.

ORDERED that:

1. the report be noted.

365

PROJECT I WIDER SCOPE

The Chairman informed Members that the report had not been finalized and that it would be brought for Members consideration early in 2011.

ORDERED that;

1. the Vice Chair, Chief Constable and Acting Chief Executive arranged for the report to be brought to a future Police Authority Executive meeting, be agreed.



CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING HELD ON

FRIDAY, 28 JANUARY 2011

PRESENT:

CHAIR:-

Councillor O'Donnell – Stockton on Tees Borough Council

HARTLEPOOL BOROUGH COUNCIL:-

Councillors Akers-Belcher, Atkinson, Flintoff, Payne

MIDDLESBROUGH COUNCIL:-

Councillors Brunton, Clark, Morby, Porley, Rogers, Thompson

REDCAR AND CLEVELAND BOROUGH COUNCIL:-

Councillors Briggs, Cooney, Dunning, Forster, Ovens

STOCKTON ON TEES BOROUGH COUNCIL:-

Councillors Kirton, Lewis, Stoker

AUTHORISED OFFICERS:-

Treasurer, Deputy Legal Adviser/Monitoring Officer, Chief Fire Officer, Director of Corporate Services

OFFICERS:-

Director of Technical Services, Head of Corporate Support

**APOLOGIES FOR
ABSENCE**

Councillor Abbott (Redcar and Cleveland Borough Council)

Councillors Salt, Woodhead (Stockton Borough Council)

**108. PRESENTATION OF THE COMMUNITY ENGAGEMENT AND PARTNERSHIPS
AWARD**

The Chair and Chief Fire Officer presented the Community Engagement and Partnerships Award to Mr Denis Hampson, on behalf of the Tall Ships Safety Advisory Group. The Group which included representatives from Cleveland Fire Brigade, the Cleveland Emergency Planning Unit, Cleveland Police, the Coast Guard and Hartlepool Council met for a period in excess of two years to ensure the safety and success of the Tall Ships Event.

109. DECLARATIONS OF MEMBERS INTEREST

Councillor Akers-Belcher declared a non-prejudicial interest in Minute No 113.3 as a Co-ordinator of a Youth Project.

110. MINUTES

The Chief Fire Officer referred to Minute No 92.1 in regard to Private Finance Initiative Update and advised Members that a meeting had taken place in London with the Fire Minister, at which, the Vice Chair, Councillor Payne, and Chief Fire Officer represented Cleveland Fire Brigade.

110. MINUTES cont

Councillor Payne informed Members that they had been informed there was no further PFI funding, following which a request that all expenditure incurred by Cleveland Fire Brigade with regard to this project be refunded. The Fire Minister commented that he would look favorably on Cleveland for any money that becomes available. The Chief Fire Officer confirmed that he had written requesting clarity regarding what money was available and if no further funding was available, would formally write request repayment of the £2.5m incurred by the three organisations in progressing PFI to date.

RESOLVED - that the Minutes of the Cleveland Fire Authority Meeting held on 26 November 2010 be confirmed.

111. MINUTES OF COMMITTEES

RESOLVED - that the Minutes of the Executive Committee held on 7 January 2011 and the Tender Committee held on 14 January 2011 be confirmed.

112. COMMUNICATIONS RECEIVED BY THE CHAIRMAN

The Chairman outlined the following correspondence received since the last meeting:

Bob Neill MP - CSR and Fire & Rescue Services, General Powers for FRS, FiReControl Project and Control Room Services in England.

Kevin Robson – NERCC Director, re FiReControl

Shona Dunn – CLG, re FiReControl Project Cancellation and Funding

113. REPORTS OF THE CHIEF FIRE OFFICER

113.1 Fire Futures

The Chief Fire Officer informed Members that the Fire Minister announced a Strategic Review of the Fire and Rescue Services in August 2010 with the objective of shaping the future and direction of the Fire and Rescue Service in England. He reported that the Minister has called for reaction from sector partners on the options included in the reports and the Chief Fire Officer requested that Members consider the outcomes, options and proposals for the future direction of the Fire and Rescue Service and that any views be fed back to the Director of Corporate Services.

Councillor Forster sought further clarification regarding the financial implications of some of the recommendations. Councillor Thompson highlighted the omission of Fire Prevention in the report and the Chief Fire Officer reported that this will be included in our submission. Councillor Ovens suggested a move to providing more Co-responder services, making flooding a statutory duty and raised concern regarding any move towards using volunteers rather than retained Firefighters.

Councillor Morby stated that he would not like to see a full merger between the Ambulance Service and Fire and Rescue Services due to the differing protocols in responding to incidents. Councillor Forster commented that merged services were in operation in the USA which worked very effectively.

113.1 Fire Futures cont

RESOLVED: –

- (i) That Members views regarding the Fire Future reports be forwarded to the Director of Corporate Services**
- (ii) That further reports be received as appropriate.**

113.2 Equality & Diversity Policy

Members approved the Equality & Diversity Policy which had been amended to incorporate changes in legislation.

RESOLVED – that the Executive Committee’s recommendation to approve the Equality & Diversity Policy be ratified.

113.3 Children and Young Persons Policy and Automatic Fire Suppression Systems Policy

Members approved the Children and Young Persons Policy and Automatic Fire Suppression Systems Policy which will ensure effective delivery of balanced services to meet community needs. Members discussed the merits of incorporating automatic fire suppression systems in new builds and the potential benefits of the Brigade being consulted on this matter at the Planning Committee stage.

RESOLVED:- that the Executive Committee’s recommendation to approve the Children and Young Persons Policy and the Automatic Fire Suppression systems Policy be ratified.

113.4 Chief Fire Officer Information Pack

- 113.4.1 Fire and Rescue Service Monthly Bulletins**
- 113.4.2 National Joint Circulars**
- 113.4.3 Employers Circulars**

RESOLVED – that the report be noted.

114. VERBAL BRIEFING ON THE NE FIRE CONTROL COMPANY BOARD

Councillor Forster updated Members on the current position regarding the NE FiReControl Company. She confirmed that the Board had met on 25th January and was given formal notification of the Fire Ministers announcement to terminate the Project. The Company Secretary presented a paper in relation to the company’s future and the process and implications involved in winding up the Company. Councillor Forster reported that the Company are in discussions with DCLG regarding the arrangements required for handing back the lease for the RCC Building in Durham.

Councillor Morby requested that thanks be passed on to all those involved.

RESOLVED: that the briefing be noted.

115. REPORT OF THE CHAIR OF OVERVIEW & SCRUTINY

115.1 Information Pack

- 115.1.1 Duty System
- 115.1.2 Organisational Structure
- 115.1.3 Contractual Arrangements

RESOLVED: that the report be noted.

116. LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) (VARIATION ORDER) 2006

RESOLVED – “That under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs below of Part 1 Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006”.

Minute Nos 117 & 119 – Paragraphs 3 and 4

Minute Nos 118.1 & 118.2 – Paragraph 4

Paragraph 3 – namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

Paragraph 4 – namely information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

117. CONFIDENTIAL MINUTES OF COMMITTEES

RESOLVED – that the Confidential Minutes of the Executive Committee meeting held on 7 January 2011 and the Tender Committee held on 14 January 2011 be confirmed.

118. REPORTS OF THE CHIEF FIRE OFFICER

118.1 Service Transformation

- (i) Organisational Structure
- (ii) Workforce Transition
- (iii) Revised Duty System

The Chief Fire Officer updated Members on the progress of the Authority's Transformation Programme.

118.2 North East Fire Control Project

Members were updated on the current position of the NE FiReControl Project.

- 119 ANY OTHER CONFIDENTIAL BUSINESS
CONFIDENTIAL MINUTES
RESOLVED – that the Confidential Minutes of the Cleveland Fire Authority
Meeting held on 26 November 2010 be confirmed.

COUNCILLOR JEAN O'DONNELL
CHAIR



CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING HELD ON FRIDAY, 4 FEBRUARY 2011

PRESENT:

CHAIR:-

Councillor O'Donnell – Stockton on Tees Borough Council

HARTLEPOOL BOROUGH COUNCIL:-

Councillors Akers-Belcher, Atkinson, Payne

MIDDLESBROUGH COUNCIL:-

Councillors Brunton, Clark, Morby, Porley, Rogers, Thompson

REDCAR AND CLEVELAND BOROUGH COUNCIL:-

Councillors Briggs, Cooney, Dunning, Ovens

STOCKTON ON TEES BOROUGH COUNCIL:-

Councillors Kirton, Lewis, Stoker, Woodhead

AUTHORISED OFFICERS:-

Treasurer, Deputy Legal Adviser/Monitoring Officer, Chief Fire Officer, Director of Corporate Services

OFFICERS:-

Head of Corporate Support

**APOLOGIES FOR
ABSENCE:**

Councillors Abbott, Forster (Redcar and Cleveland Borough Council)
Councillor Salt (Stockton Borough Council)

120. DECLARATIONS OF MEMBERS INTEREST

It was noted that no declarations of interest were submitted to the meeting.

121. JOINT REPORT OF THE TREASURER AND CHIEF FIRE OFFICER

**121.1 Medium Term Financial Strategy 2011/2012 to 2014/2015 and 2011/2012
Council Tax Level**

The Treasurer commented that the Medium Term Budget Strategy and the Budget for 2011/12 were particularly challenging due to the impact of the Comprehensive Spending Review (CSR) 2010. Following the initial CSR announcement, the Fire Minister wrote to Fire Authorities stating that the reduction to formula grant would be 25% over four years. He also stated that formula grant makes up around 50% of overall spend in the fire sector, however, this is not the case for Cleveland as formula grant equates to roughly two thirds of the Authority's spending.

The Treasurer outlined to Members:

- Implications of the grant settlement for the Authority
- Forecast Outturn 2010/11
- Capital Programme, Prudential Code and Treasury Management Strategy
- Treasury Management Strategy 2011/12
- Revenue Budget 2011/12 and Indicative Forecasts for 2012/13 to 2014/15
- 2011/12 Tax Base and Collection Fund
- Robustness of Budget Forecasts and Reserves
- New measurers within the Localism Bill

121.1 Medium Term Financial Strategy 2011/2012 to 2014/2015 and 2011/2012 Council Tax Level (cont)

The Treasurer reported that the Budget Strategy had been particularly difficult in view of the unprecedented grant reductions planned for the next four years and that the Strategy had attempted to address the issue of the Authority being over reliant on Government Grant to support its revenue expenditure, meaning any significant changes to grant levels have a disproportionate effect on the Authority. He reported that a key aspect of the 2011/12 budget was the achievement of the efficiency target and the determination of the Council Tax for 2011/12. He outlined the risks should a Council Tax increase be sought.

The Treasurer reported that uncommitted reserves should only be used over the next three years on an 'invest to save' basis to facilitate achievement of planned efficiencies and where necessary pump prime investment that will save money in the medium to longer term. He outlined the movement for the next five years which ensured that the level of reserves remained above the minimum of £1.25m and included an allocation for PFI, as investment in the Authority's buildings would still need to be made even if the PFI did not go ahead.

Councillor Morby requested clarification with regard to vacant operational posts and what were the savings from them. The Chief Fire Officer explained that in order to try and avoid the need for compulsory redundancies a recruitment freeze had been implemented which had led to a number of vacant posts both corporate and operational and that the requested information would be forwarded.

Members discussed the subject of Members Allowances and agreed that allowances for the year 2011/12 should remain unchanged and therefore there would be no need for the Treasurer to organise an Independent Remuneration Panel to discuss this matter.

RESOLVED:

- (i) That the proposal to earmark the 2010/11 underspend to support the budget in 2011/12 and beyond as the financial position becomes more challenging and the use of reserves as an 'invest to save' basis to address the need to significantly reduce the overall budget requirement over the next four years be approved.**
- (ii) That the provisional 2011/12 Capital Programme as set out in the report be approved.**
- (iii) That the inclusion within the budget plans for investment in the Authority's estate as originally proposed for the PFI which although not approved for funding by Government will still be needed in some form to address the deteriorating position of the Authority's operational and administrative buildings be approved.**
- (iv) That the 2011/12 revenue budget as detailed at Appendix A of the report be approved.**
- (v) That the recommendation of the Executive Committee to confirm the 2011/12 Council Tax freeze and take up the Section 31 Compensatory Grant, which equates to a Band D Council Tax of £63.97, and supporting statutory calculations as detailed at Appendix B of the report be ratified and that the Chair, in consultation with the Treasurer, be authorised to make any minor amendments to statutory Council Tax calculations with any major amendments to be brought back to the Authority**

121.1 Medium Term Financial Strategy 2011/2012 to 2014/2015 and 2011/2012 Council Tax Level (cont)

- (vi) That indicative Council Tax increases for 2012/13 and 2013/14 and 2014/15 of 7p per week (£3.83 per year), 12p per week (£6.70 per year) and 12p per week (£6.75 per year) respectively be approved. This would give indicative tax levels at Band D of £67.80 (£1.30 per week), £74.50 (£1.43 per week) and £81.25 (£1.56 per week respectively).
- (vii) That a freeze on Members Allowances for the year 2011/12 be implemented and therefore the Member Allowance Scheme would remain unchanged.

122. REPORT OF THE TREASURER

122.1 Treasury Management Strategy 2011/2012

The Treasurer outlined the Authority's Treasury Management Strategy for 2011/12, which included Prudential Indicators for 2011/12 – 2013/14 and confirmed that the Strategy fulfilled four key legislative requirements. He then detailed:

- The Background
- Outlook for Interest Rates
- Prudential Indicators and Treasury Limits
- Capital Financing Requirement and Borrowing Strategy
- Investment Strategy

The Treasurer stated that the Strategy was subject to scrutiny by the Audit & Governance Committee, who will monitor it on behalf of the CFA. Councillor Briggs confirmed that the Audit & Governance Committee will bring any necessary reports regarding the Treasury Management Strategy to the Authority.

Councillor Thompson referred to the amount of money which is planned to be borrowed in 2011/12 for capital expenditure and queried the borrowing limits for major investments. The Treasurer confirmed that the Authority could borrow what it can afford to repay under the Prudential Code and that within the prudential indicators there are a number of key indicators to ensure the Authority operates its activities within well defined limits.

RESOLVED:

- (i) That the Prudential Indicators and Limits relating to Capital Expenditure for 2011/12 to 2013/14 as detailed in Section 6 of the report be approved.
- (ii) That the Borrowing Strategy for 2011/12 to 2012/13 and related Treasury Prudential Indicators including the Minimum Revenue Provision (MRP) Statement in Section 7 of the report be approved.
- (iii) That the Investment Strategy for 2011/12 to 2012/13 and related Treasury Prudential Indicators in Section 8 of the report be approved.
- (iv) That the Investment Strategy Counterparty Criteria contained in Section 8 of the report be approved.
- (v) That the Treasury Management Strategy be scrutinised and monitored by the Audit & Governance Committee.

**COUNCILLOR JEAN O'DONNELL
CHAIR**

COUNCIL REPORT

14 April 2011



Report of: **Chief Executive**

Subject: **REPORT OF THE INDEPENDENT REMUNERATION
PANEL**

Attached at Appendix A is the Independent Remuneration Panel's report on Members' Allowances. Council's views and instructions are requested.

Report of the Independent Remuneration Panel

Council – 14 April 2011

1. Background

The Independent Remuneration Panel was established to advise the Council on the level of Members Allowances under the Local Government Act 2000.

The Panel have made a number of reports to the Council over the years, reviewing various parts of the Members Allowances Scheme including Basic and Special Responsibility Allowances.

Whilst there are annual indexing facilities built into the Panel's recommendations, the Panel have a three year review programme of the basis of allowances to ensure that they are robust and fit for purpose.

In February Council agreed as part of the Medium Term Financial Strategy to remove a historic allowance awarded to the Chairman and Vice-Chairman of the Council which had carried over from previous arrangements. The role of Chairman has a SRA at 80% of the basic allowance under the Members Allowances Scheme. The role of Vice-Chairman does not have a SRA under the Scheme and the Independent Remuneration Panel were asked to consider whether an allowance should be agreed.

2. Special Responsibility Allowances

Special Responsibility Allowances are paid to a number of members who hold positions that have varying degrees of additional duties and responsibilities. This allowance is paid in addition to the basic allowance and is determined as a proportion of the basic allowance. The current number and amounts of Special Responsibility Allowance are detailed in the table below :

	2010/11	
		Value of Basic allowance
Basic Allowance		£5,767

	Number of Councillors receiving SRA	Value of Special Responsibility Allowance	SRA %
<u>Special Responsibility Allowances</u>			
Chair of Council	1	£4,614	80%
Cabinet member	6	£5,767	100%
Chair of Scrutiny Co - ordinating	1	£5,767	100%
Chair of Scrutiny Forum	4	£3,461	60%
Chair of Planning Committee	1	£5,767	100%
Chair of Neighbourhood Forum	3	£3,461	60%
Chair of Licensing Panel	1	£3,461	60%
Chair of Contract Scrutiny Panel	1	£1,153	20%
Majority Group Leader	1	£5,767	100%
Principal Minority group	1	£3,461	60%
Chair of Audit Committee	1	£1,153	20%
Secondary Minority Group	1	£3,461	60%
Elected Mayor	1	£63,902	

3. **Review of Vice-Chairman's Role**

The Panel have undertaken the review and considered further information regarding the responsibilities of the Vice-Chairman's role. Consideration was given to the level of activity and decision-making required of the role. Information was provided based on the current municipal year and accordingly the Panel recommend that no Special Responsibility Allowance be allocated to this role.

The Panel did accept that the level of activity and responsibility might be subject to change especially if the Chairman was indisposed. The Panel therefore recommend that after the Chairman's absence of two months, an allowance equivalent of one twelfth of the Chairman's annual SRA should be paid for each month the Vice-Chairman provides cover. This would be to recognise the increased volume of activity attending events and Charing council meetings during an extended period of absence. The Panel recommend that this principle should apply without further reference to them should the situation arise.

4. **Financial Implications**

The Panel noted that the recommendation would have a budget implication only if the Chairman was indisposed for a significant period.

5. **Recommendations**

The Panel recommends that no Special Responsibility Allowance should be awarded to the Vice Chair of the Council although a temporary payment should be made when appropriate.

COUNCIL
14th April 2011



Report of: Section 151 Officer/Monitoring Officer

Subject: PROCEDURAL ARRANGEMENTS

At the Council meeting on 24 February 2011 Members approved the following resolution:

- that in the event that a £13,000 saving was achieved as a result of a 4 weeks unpaid leave arrangement with the Chief Executive, Council should consider, at its next meeting, how the £13,000 savings be utilised for the benefit of the town.

This is an unusual and unique position and Members need to be advised of the procedural arrangements which will need to be followed to formally make a decision on this issue.

Following the debate of this issue by Council and the determination of a proposal for utilising this savings the proposal will become a departure from the approved Budget and Policy Framework. The Monitoring Officer and the Section 151 Officer (Chief Finance Officer) would advise Council that the appropriate procedures for approving departures from the approved Budget and Policy Framework would then need to be followed to formally consider and approve the proposed budget adjustment. This would ensure compliance with Corporate Governance requirements and clearly demonstrate that decisions are being made in accordance with the Constitution, which is itself underpinned by statutory requirements.

As Members are aware the Constitution requires departures from the Budget and Policy Framework to be initiated by Cabinet and then referred to Council for consideration and approval or rejection. These arrangements ensure appropriate arrangements are in place for considering the main budget proposals before the start of the financial year, including detailed consideration by Scrutiny Committees, and also apply to any in-year realignment of budgets. In relation to the latter point the Constitution ensures departures from the approved budget are considered by Cabinet and Council.

On a practical basis this means that once Council has debated this issue and determined a proposal for utilising the saving for the benefit of the town this issue needs to be considered by Cabinet and then referred back to Council for a formal decision to comply with the procedures for amending the approved Budget and

Policy Framework. It is acknowledged that this procedure may appear to be bureaucratic. However, the Monitoring Officer and the Section 151 Officer (the Chief Finance Officer) would advise Council that these procedures need to be followed to comply with Corporate Governance requirements.

COUNCIL
14th April 2011



Report of: Licensing Committee

Subject: LICENSING POLICY – SEX ENTERTAINMENT
VENUES

1. PURPOSE OF REPORT

- 1.1 To consider the adoption of new powers made available to local authorities to licence and control the operation of Sex Entertainment Venues.
- 1.2 To consider the adoption of a licensing policy detailing the principles under which the Council will licence and control Sex Entertainment Venues.

2. BACKGROUND

- 2.1 The provision of live adult entertainment from venues such as lap dancing and strip clubs is classified by the Licensing Act 2003 as a 'performance of dance' and, as such, must be licensed via that Act.
- 2.2 As a result, the extent to which local authorities can control the operation of such premises is limited to the imposition of licence conditions requested by Responsible Authorities such as the Police and Environmental Health. All licence conditions must relate to one or more of the Act's licensing objectives – none of which specifically relate to performances of a sexual nature.
- 2.3 Section 27 of the Policing and Crime Act 2009 introduces a new category of licensable premises called 'Sexual Entertainment Venues' (SEV), which will allow local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The new powers do not have automatic effect and only apply where they have been adopted by the local authority.

- 2.4 Following adoption by the local authority Section 27 of the Policing and Crime Act gives local authorities more powers to control the operation of such establishments in their area. Adoption of the provisions allows local authorities to consider a wider range of issues than is permitted under the Licensing Act 2003 and will give local people a greater say over the regulation of lap dancing clubs and similar venues.
- 2.5 A SEV is defined as a premises that offers the live display of nudity, directly or indirectly for the financial gain of the organiser, and solely or principally for the purpose of sexually stimulating any member of the audience.
- 2.6 The following categories of entertainment are covered by the new controls: -
- a) Lap Dancing
 - b) Pole Dancing
 - c) Table Dancing
 - d) Strip Shows
 - e) Peep Shows
 - f) Live Sex Shows
 - g) Anything similar to above
- 2.7 The legislation defines that the display of nudity will mean, in the case of a woman, exposure of her nipples, pubic area, genitals or anus, and in the case of a man, exposure of his pubic area, genitals or anus. The display of nudity alone does not mean that a sex entertainment venue licence will automatically be required. Performances including nudity as part of a drama or dance in a theatre may be unlikely to be provided solely or principally for the purpose of sexually stimulating the audience.
- 2.8 A venue will be exempt from the requirement to obtain a SEV licence if entertainment of a sexual nature is provided on no more than 11 occasions in any 12 month period; if such occasions last less than 24 hours and are at least one month apart.
- 2.9 SEV licences have a maximum duration of 12 months and, as such, any licensed premises must re-apply each year. There is no general obligation for a licence to be renewed.
- 2.10 Hartlepool currently has one premises that would require an SEV licence should the legislation be adopted – *The Little Black Book* in Whitby Street. The premises are a 'traditional' lap dancing club offering dancing of a sexual nature to customers as groups and as individuals.
- 2.11 In the two years that *The Little Black Book* has been operating in Hartlepool there have been no significant incidents of crime and disorder at the premises and they appear to be well run.

- 2.12 In addition to *The Little Black Book* Council may wish to note that other premises such as Working Men's Clubs do, on occasion, offer sexual entertainment – usually in the form of strip tease. Initial investigations with these premises suggest that there would not, at present, be a requirement for these clubs to obtain a SEV licence (due to the infrequency of the events) but it is possible that this could change at any time.

3. ISSUES FOR CONSIDERATION

- 3.1 Adopting the new legislation will provide the Council with the opportunity to licence SEV's within a licensing framework specifically tailored to respond to the unique issues created through the provision of sexual entertainment. Whilst there is no obligation to adopt the new controls, failure to do so would result in sexual entertainment continuing to be classed as any other form of dance and therefore the opportunity to control its provision would be severely limited.
- 3.2 If Council were minded to approve the adoption of the new legislation it will also be necessary to determine whether a policy should be adopted that details how the Council will discharge its new licensing functions.
- 3.3 Whilst a policy may stipulate the Council's view on issues such as the preferred location of premises or their terms of operation it is not possible to have a policy that results in the automatic rejection of an application. Case law has determined that Council's cannot 'refuse to listen' to applications but it is possible to state that policy will only be deviated from in exceptional circumstances.
- 3.4 Adopting a licensing policy has the following benefits: -
- a) Sets out the Council's approach, for the benefit of operators
 - b) Guides and re-assures the public and other public authorities
 - c) Ensures transparency
 - d) Ensures consistency
 - e) Serves as a guide and focus for committees
- 3.5 This matter was considered by the Licensing Committee at its meeting on 19th January 2011 and a proposed licensing policy has been drafted that details the issues that will be taken into account when considering applications for SEV's and this is attached as Appendix A.
- 3.6 The Committee considers that it would not be appropriate for the policy to set a limit on the number of SEV's that could be licensed in the town but rather that every application should be considered on its individual merits. For the same reasons, the policy does not state that SEV's will only be licensed in designated areas of the town.

4. RECOMMENDATIONS

- 4.1 That the amendment to the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 made by Section 27 of the Policing and Crime Act 2009 to licence Sex Entertainment Venues be adopted.
- 4.2 That responsibility for the licensing of Sex Entertainment Venues be delegated to the Licensing Committee.
- 4.3 That Council notes that should the legislation be adopted, responsibility for the setting of fees in relation to Sex Entertainment Venues would be added to the existing licence fee responsibilities of the Adult and Public Health Services Portfolio Holder.



DRAFT

Sex Entertainment Venue Licensing Policy and Procedures

April 2011

Sex Entertainment Venue Licensing

1 Introduction

- 1.1 On 14th April 2011 Hartlepool Borough Council adopted an amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') by virtue of Section 27 of the Policing and Crime Act 2009 (the 2009 Act) to enable it to licence Sex Entertainment Venues within the borough.
- 1.2 The 1982 Act and the 2009 Act can be viewed at www.opsi.gov.uk.

2 Definitions

- 2.1 **Sexual Entertainment Venue** means any premises at which Relevant Entertainment is provided before a live audience for the financial gain of the organiser or the entertainer (subject to the exceptions set out in paragraph 4.1 below).
- 2.2 **Relevant Entertainment** means any live performance or live display of Nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means). An audience can consist of just one person (e.g. where the entertainment takes place in private booths).
- 2.3 **Nudity** means:
In the case of a woman: exposure of her nipples, pubic area, genitals or anus;
and
In the case of a man: exposure of his pubic area, genitals or anus.

3 Relevant Entertainment

3.1 The Council will judge each case on its merits and the definition of Relevant Entertainment will apply to the following forms of entertainment as they are commonly understood:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows

3.2 The above list is not exhaustive and as the understanding of the exact nature of these descriptions may vary, they should only be treated as indicative. Ultimately, decisions to licence premises as Sexual Entertainment Venues shall depend on the content of the entertainment provided and not the name it is given.

4 Sexual Entertainment Venues - exceptions

4.1 Schedule 3, Paragraph 2A(3) of the 1982 Act defines those premises that are not Sexual Entertainment Venues. These are:-

- Sex Shops and Sex Cinemas (which are separately defined in Schedule 3 to the 1982 Act)
- Premises which provide Relevant Entertainment on an infrequent basis. These are defined as premises:-
 - a) Where no Relevant Entertainment has been provided on more than 11 occasions within a 12 month period;
 - b) Where no such occasion has begun within a period of one month beginning with the end of the previous occasions; and

- c) Where no such occasion has lasted longer than 24 hours.
- d) Other premises or types of performances or displays exempted by an order of the Secretary of State.

4.2 Premises which:

- provide Relevant Entertainment on an infrequent basis or
- provide any form of adult entertainment which falls outside the definition of Relevant Entertainment will continue to be regulated under the Licensing Act 2003, insofar as they are providing regulated entertainment under that Act.

5 THE POLICY

- 5.1 The Council does not take a moral stand in adopting this policy and recognises that Parliament has made it lawful to operate Sex Entertainment Venues and that such businesses are a legitimate part of the retail and leisure industry. Every application for a Sex Entertainment Venue licence will be considered on its individual merits.
- 5.2 The Council is mindful of possible concerns that the local community may have in regard to applications for Sex Entertainment Venues and this Policy will guide the Council when considering applications for licences in balancing the conflicting needs of commercial interests, patrons, employees, residents and local communities.
- 5.3 This Policy will be strictly applied and will only be overridden in exceptional circumstances.
- 5.4 The Council has not set a limit on the number of Sex Entertainment Venues that it thinks is appropriate for any relevant locality. The Council will determine each application on its merits on a case-by-case basis.

5.5 This document sets out the process the Council will follow in considering and determining an application for a Sex Entertainment Venue Licence.

5.6 A licence cannot be granted to:

- a person under 18;
- a person who has held a licence but has had it revoked within 12 months preceding the date of the application;
- to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made;
- to a body corporate which is not incorporated in an EEA State; or
- a person who has within the last 12 months preceding the date of the application been refused a licence in respect of the same premises.

5.7 An applicant whose application for the grant or renewal of a licence is refused, or whose licence is revoked, on any ground specified above does not have a right to appeal unless the applicant seeks to show that the ground did not apply to him.

5.8 In addition, the Council may refuse an application for the grant or renewal of a licence on one or more of the grounds below:-

- a) The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) If the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) The number of Sex Entertainment Venues at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;

- d) That the grant or renewal of the licence would be inappropriate, having regard-
- i) to the character of the relevant locality (i.e. the locality in which the premises are situated); or
 - ii) to the use to which any premises in the vicinity are put; or
 - iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

5.9 When considering an application the Council shall have regard to the following issues (this list is not exhaustive): -

- The proximity of educational establishments;
- The proximity of places of worship;
- Access routes to and from schools, play areas, nurseries, children's centres or similar premises in proximity to the premises
- The proximity of shopping centres
- The proximity to community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive)
- Any current planning considerations
- Whether there is planned regeneration of the area.
- The proximity of other Sex Establishments
- the character of the locality in which the premises are situated
- the use to which any premises in the vicinity are put
- the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made
- The proximity of residential premises, including any sheltered housing and accommodation of vulnerable people

5.10 When considering the suitability of an applicant the Council shall have regard to, amongst other things, those issues detailed in Appendix II of this policy.

- 5.11 An applicant whose application for the grant or renewal of a licence is refused on either ground specified in (c) or (d) above does not have the right to appeal the decision. In such cases the applicant can only challenge the refusal by way of judicial review.

Duration of Licence

- 5.12 Sex Entertainment Venue licences will normally expire on an annual basis, but may be issued for a shorter period if deemed appropriate.

Making Representations

- 5.13 Unlike other licensing regimes (such as alcohol, entertainment or gambling) a wide range of people can raise objections about Sex Entertainment Venues. The police are a statutory consultee for all applications.
- 5.14 Representations must be relevant to the application and must not be frivolous or vexatious.
- 5.15 Decisions on whether objections are frivolous or vexatious will be made objectively by Council officers and not on the basis of any political judgement.
- 5.16 Objections should:
- Be made in writing
 - Show the name and address of the person/organisation making the representation.
 - Indicate the premises to which the representation relates
 - Indicate the proximity of the premises to the person making the representation
 - Clearly set out the reasons for making the representations.

- 5.17 Unless the person/organisation making a representation specifically objects, their name and address shall be disclosed as part of the public record of the application and its determination. A request for anonymity will only be granted in exceptional circumstances.

The Hearing

- 5.18 The Council shall hold a hearing before:

- refusing to grant a licence
- refusing to renew a licence
- refusing to transfer a licence
- varying a licence
- revoking a licence

- 5.19 The applicant and any persons who have made representations and who wish to attend the hearing will have the opportunity to address the Sub-Committee before the application is determined.

- 5.20 When considering an application the Council will have regard to the following:-

- Those issues listed in paragraph 5.9 of this policy
- All written representations made by responsible authorities or members of the public
- All representations made in person at the hearing

- 5.21 The Council has not set a limit on the number of Sex Entertainment Venues that it thinks is appropriate for any relevant locality. The Council will determine each application on its merits on a case-by-case basis.

- 5.22 The Council has however determined that there should be a prohibition on live sex shows, peep shows and any live entertainment which depicts non simulated sexual acts between two or more people.

General Conditions

- 5.23 A range of general conditions designed to ensure the safe and well managed operation of licensed premises shall be attached to all Sex Entertainment Venue licences. The general conditions are detailed in Appendix I to this policy.

Appeals

- 5.24 The following may at any time, before the expiration of the period of 21 days following receipt of the Council's determination, appeal to the Magistrates' Court: -

- An applicant for a licence whose application is refused or which has been subjected to terms, conditions or restrictions;
- A holder of any such licence whose licence is revoked.

6. THE APPLICATION PROCESS

Making an application

- 6.1 Applications may be made electronically via the Council's website at www.hartlepool.gov.uk/licensing.
- 6.2 An application may also be made in writing to: The Licensing Team, Hartlepool Borough Council, Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT.
- 6.3 Applicants for a new licence must complete the relevant application form and submit it to the Licensing Team together with:

- The correct fee as set by the Council
- A location plan
- Detailed plans of the premises (in a **scale of 1:100** (1 centimetre to 1 metre) unless a different scale is agreed with the Council in advance) containing the following information:
 - (a) the location of the extent of the boundary of the building, if relevant, and any external and internal walls which comprise the premises, or in which the premises is comprised
 - (b) the location of points of access to and egress from the premises
 - (c) if different, the location of escape routes from the premises
 - (d) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment:
 - (e) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor
 - (f) in a case where the premises includes any steps, stairs, elevators or lifts, the location of those steps, stairs, elevators or lifts.
 - (g) The location of any booths intended to be used to provide entertainment to an unaccompanied individual

6.4 As part of the application process, applicants are required to display a notice at the proposed site for 21 days from the date the application is lodged with the Council setting out the application details. This notice must be blue in colour and a minimum of A4 in size. The notice must be displayed in a prominent position for the entire 21 days and must be easily readable by passers by.

Applicants are also required to place a public notice in a local newspaper giving details of the application. The newspaper notice should appear in the publication within 7 days of the application being lodged.

6.5 The Council will send copies of the application to, and seek comments from:

- Cleveland Police
- Child Protection Officers
- Environmental Health Department
- Any other relevant persons/organisations deemed appropriate by the Council

6.6 Should any representations be received regarding a licence application the matter shall be referred to the Council's Licensing Sub-Committee for consideration.

Renewal of Licence

6.7 An application to renew the licence must be made no later than 28 days prior to the expiry of the existing licence.

6.8 Where, before the expiry of a licence, an application has been made for its renewal in accordance with 6.7 above, it shall remain in force even though the expiry date has passed until the withdrawal of the application or its determination by the Council, whichever occurs first.

Variation of Licence

6.9 The application form, together with relevant plans and the appropriate fee should be forwarded to the Licensing Department. Applications for variation are required to comply with site and newspaper notice requirements unless otherwise agreed in advance with the Licensing Team (see 6.4 of this policy).

6.10 Applications for variations must relate only to proposed changes in respect of the actual premises and the hours of operation currently covered by the licence.

- 6.11 Applications for the variation of hours only do not require a plan of the premises to be submitted.
- 6.12 The Council shall consult with any agency or organisation it considers appropriate and should any representations be made concerning an application for variation, the application will be considered by the Council's Licensing Sub-Committee. Applicants must not operate any revised or varied arrangements until the application is approved and the licence has been issued.

Transfer of Licence

- 6.13 Where, before the date of expiry of a licence, an application has been made to transfer, it shall be deemed in force with any necessary modifications until the withdrawal of the application or its determination, notwithstanding that the expiry date has passed or that the person to whom the licence is to be transferred is carrying on the business of the sex establishment.
- 6.14 Following the receipt of an application for the transfer of a licence, the Council shall consult with any agency it considers appropriate and, should any representations be received concerning the unsuitability of the applicant, the matter shall be referred to the Council's Licensing Sub-Committee for consideration.

Appendix I

GENERAL CONDITIONS

- (a) The licence and conditions (or a clear copy) shall be prominently displayed on the premises at all times so as to be readily and easily seen by all persons using the premises, and also the police, the fire authority and authorised officers of the Council.
- (b) A copy of the “House Rules” shall be prominently displayed on the premises.
- (c) A notice shall be displayed at the main entrance(s) warning patrons that the performance includes unclothed male and/or female dancers and that no person under the age of 18 years shall be admitted.
- (d) No other words or signs, photographs, displays or advertisements, shall be displayed on the outside or in the vicinity of the premises (NB this shall not apply to proper press advertisements). The issue of leaflets or flyers is not permitted.
- (e) External doors and windows shall be closed at all times other than for access and egress.
- (f) A CCTV system of a type and specification approved by Cleveland Police shall be operational during all trading hours. Images recorded by the system shall be retained for a minimum of 28 days and shall be made immediately available to police officers or other authorised officers on request.
- (g) The licensee, or a named responsible person, shall be nominated in writing, by the licensee for the purpose of managing the sexual entertainment venue (‘the Manager’) and shall be present on the premises at all times whilst relevant entertainment is taking place.
- (h) Except with the written consent of the Council, the premises shall not remain open to the public outside the licensed hours.
- (i) All performers, patrons and staff must be over 18 years or over.
- (j) Photography or recording of any kind within the premises (excluding CCTV recording required by condition on licence) shall be prohibited.
- (k) Any activity that by definition requires to be licensed by this licence shall not be visible from outside of the premises.
- (l) Relevant entertainment shall only be provided by the performer. There must be no audience participation.

- (m) Performers shall only perform on the stage area, to seated and segregated customers or in such other areas of the licensed premises as may be agreed with the Licensing Authority.
- (n) Performers may only dance for seated patrons.
- (o) Patrons must remain fully clothed at all times.
- (p) There shall be no physical contact between performers and patrons before, during and after the performance except for the transfer of money or token to the hand of the performer either immediately before or after the performance. Notices to this effect shall be clearly displayed at each booth/table and at each entrance.
- (q) There shall be a minimum distance of one metre between the performer and any patron during any performance.
- (r) Sex toys must not be used and penetration of the genital area or any other orifice by any means shall not be permitted.
- (s) Any performance shall be restricted to dancing and removal of clothing. There must not be any other form of sexual activity.
- (t) At the end of a performance the performer must be provided with access to a changing room without the need to pass unclothed through an audience.

Appendix II

Matters to be taken into account when considering the suitability of an applicant

1. Evidence that the applicant is honest
2. That the operator is qualified by experience to run the type of sex establishment in question
3. That the operator understands the general conditions
4. That the operator is proposing a management structure which will deliver compliance with operating conditions e.g. through: -
 - a) Managerial competence
 - b) Presence
 - c) A credible management structure
 - d) Enforcement of rules internally eg. through training and monitoring
 - e) A viable business plan e.g. sufficient to employ door staff and install CCTV
 - f) Policies for welfare of performers
5. That the operator can be relied upon to act in the best interests of the performers e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored.
6. That the operator can be relied upon to protect the public e.g. transparent charging, freedom from solicitation
7. That the operator can show a track record of management of compliant premises or s/he will employ individuals who have such a track record.
8. Any other matter that the licensing authority considers relevant.

COUNCIL
14th April 2011



Report of: Planning Committee (vice Chair of Planning to present)

Subject: Emerging Affordable Housing Policy in the Core Strategy

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise members of the emerging planning policies relating to affordable housing within the Core Strategy Preferred Options. This report has been referred to Council for discussion by the Planning Committee.

2. BACKGROUND

- 2.1 The Core Strategy represents the strategic planning document for the Borough and the approved policies will eventually supercede the policies contained within the Local Plan which was adopted in 2006. The development of the Core Strategy involves a series of stages. Consultation on the Preferred Options stage has just been completed and the responses received will be taken into consideration in the preparation on the Publication Document which will be produced later this year. The Publication Document will represent the Council's agreed planning policy framework which will then be subject to Examination in Public (EIP) by an independent Government Inspector. A key purpose of the EIP is to assess the robustness of the Plan and it essential that there is a strong evidence based justification for each policy otherwise the Plan could be deemed to be unsound. The Preferred Options Document has been supported by a number of evidence based documents which support the justification of individual policies.
- 2.2 The inclusion of affordable housing policies within the Core Strategy is seen as a key means of increasing the affordable housing provision within the town in response to an identified need. Prior to 2006 the shortage of affordable housing was not identified as a particular problem as prevailing market conditions at that time enabled most people to access accommodation to meet their needs. More recently affordability has become more of a problem.

- 2.3 A full Council debate was held in January 2009 on housing policy where affordable housing was recognised as a priority. In response to this the Council has initiated a number of measures to help increase the level of provision including, identification of suitable housing sites and the release of Council land at below market value to support affordable housing provision; use of prudential borrowing alongside Homes and Communities Agency funding to support direct house building and partnering work with social housing providers. Inclusion of specific planning policies requiring provision of affordable housing within new private housing developments is seen as a key means of securing further provision, particularly in the current climate where availability of public money is extremely limited.

3. AFFORDABLE HOUSING DELIVERY

- 3.1 Affordable housing is housing designed for those, whose income generally denies them the opportunity to purchase houses on the open market. Affordable housing can be either outright Socially Rented or Intermediate Tenure housing in the form of Shared Ownership or Shared Equity schemes whereby the affordable units are retained and managed in the long term. Affordable houses are generally owned and managed by Registered Providers such as Housing Hartlepool.
- 3.2 Affordable housing can be delivered either as a 100% affordable development or as part of a private market housing development, where a smaller percentage of the overall dwellings are affordable in tenure and the majority are private.
- 3.3 In the future it may be difficult to secure grant funding for subsidised 100% affordable housing or grants to continue Housing Market Renewal. As a result other mechanisms need to be utilised to secure ongoing affordable housing provision. Securing affordable housing as part of private residential developments provides perhaps the most realistic way of securing new affordable housing developments in the future.
- 3.4 Planning Policy Statement 3 Housing (PPS3), sets out the national planning policy framework for delivering the Government's housing objectives with regard to new housing provision. Using this guidance officers have drawn together various sources of evidence to establish an affordable housing target, identify what type and tenure of affordable housing is required, when it will be required and how it will be managed in the future.
- 3.5 In summary the policies proposed in the Core Strategy Preferred Options include the following principles relating to affordable housing:-
- Affordable housing is required in relation to all residential developments of 15 dwellings or more. This reflects the thresholds suggested in the governments Planning Policy Statement (PPS3).

- A minimum affordable housing target of 10% with higher percentages negotiated on a site by site basis where there is identifiable need and/or the economic viability of schemes allow for greater provision.
- Affordable housing is expected to be provided through on site provision, but in certain circumstances could be provided off site, if there is strong robust evidence why it cannot be incorporated on site or if the Council is satisfied that off site provision or a commuted sum will benefit the wide housing regeneration agenda.
- An 80% social rented and 20% intermediate tenure mix is the target.
- Provision of affordable units should normally be in association with a Registered Provider.

4 AFFORDABLE HOUSING POLICY DEVELOPMENT BACKGROUND

- 4.1 The Hartlepool Local Plan (2006) does not have an existing affordable housing policy. Before its adoption there was not an identified affordable housing need in the Borough. This evidence of need only emerged in 2007 when the Hartlepool Strategic Housing Market Assessment (SHMA) was completed. The SHMA gathered evidence on residents' needs and aspirations and measured these against housing provision and affordability. The Hartlepool SHMA was followed by Tees Valley SHMA which was published in 2008 and details of these evidence documents are set out later in this report.
- 4.2 Officers started to prepare a separate Affordable Housing Development Plan Document (DPD) in 2007 and consulted on the first Preferred Options DPD in August 2008 based on housing need evidence identified in the Hartlepool SHMA and the Tees Valley SHMA.
- 4.3 Since the two SHMA's were completed there have been profound changes in the housing market with specific consequences for the economic viability of new housing developments. Based on this concern the Borough Council carried out an Affordable Housing Economic Viability Assessment in 2009. This involved a detailed analysis, based on the government's assessment criteria, of a number of representative sites across the Borough to help establish what levels of affordable provision the sites could accommodate and still remain viable. Not surprisingly, given the market conditions affordability levels were identified as much lower than previously proposed with most sites being unviable or having marginal viability.
- 4.4 A further Affordable Housing Preferred Options DPD was produced and consulted upon in October 2009 taking into consideration the evidence detailed in the SHMAs. Subsequent to this, and following advice from Government Office North East, Cabinet took the decision in September 2010 to incorporate the affordable housing policies within the Core Strategy rather than produce a separate Affordable Housing DPD.

5 POLICY PROPOSALS AND EVIDENCE

i) Minimum Threshold

- 5.1 Affordable housing will be required on all residential developments that consist of a gross addition of 15 dwellings or more. This will include lapsed or unimplemented planning permissions, changes of use and conversions.
- 5.2 PPS3 states that a minimum site size threshold of 15 dwellings should be used. There is no local evidence to suggest that a lower or greater threshold should be set, therefore the minimum threshold of 15 dwellings is seen as being appropriate.

ii) Affordable Housing Target

- 5.3 A minimum affordable housing target of 10% will be delivered on all sites. Higher percentages of affordable housing will be subject to negotiation on a site-by-site basis where there is an identified local need and/or the economic viability of schemes allows for a greater provision. The policy provides flexibility to increase the level of provision as the housing market improves. The following paragraphs summarise the evidence behind reaching the minimum 10% target. The varying targets reflect the changing market conditions that have occurred since the original reports were published.

Hartlepool Strategic Housing Market Assessment 2007 (SHMA)

- 5.4 The SHMA identified the current and future housing need in the Borough. An analysis of the current and future housing markets concluded that market demand was exceeding supply in most areas and that a degree of pressure in the current housing market was a result of considerable uplift in house prices across the Borough over the past five years. A shortfall of affordable units was identified; this affordable need was heightened by the limited capacity of the social rented sector with low vacancy rates and long waiting lists.
- 5.5 The report suggested a target for affordable housing on new developments of 30% of which 80% should be social rented and 20% intermediate tenure.

Tees Valley Strategic Housing Market Assessment 2008 (TVSHMA)

- 5.6 The TVSHMA identified the current and future housing need in the Tees Valley and the Borough. The assessment supported the affordable housing need identified within the Hartlepool SHMA. In addition to this it suggested a 20% affordable housing requirement for housing developments across the Tees Valley. This 20% figure was viewed as an achievable and reasonable figure based on a comparison of deliverable affordable housing policies in place across the North East of England and local needs within the Tees Valley.
- 5.7 Since the two SHMA's were completed there have been profound changes in the housing market with specific consequences for the economic viability of

new housing developments. Government and Planning Inspectors guidance and successful challenges by housebuilders, on non-flexible affordable housing policies resulted in Councils needing to pay close attention to the subject of economic viability. Based on this concern the Borough Council carried out an Affordable Housing Economic Viability Assessment in 2009.

Affordable Housing Economic Viability Assessment 2009 (AHEVA)

- 5.8 The results of the economic viability assessment show that in current market conditions, the development of residential property is generally economically unviable, regardless of affordable housing. This conclusion cannot be understated; bearing in mind the current housing market, and is evidenced by the limited amount of house building which is currently taking place.
- 5.9 The results suggest that any policy put in place will need to be flexible and perhaps have built in trigger points or similar mechanisms which enable more affordable housing to be delivered as market conditions improve.
- 5.10 The assessment states that setting a policy at 0% based on the results of the baseline analysis is unsustainable across the course of the plan period and will not meet the identified housing need of people across the Borough. In order to ensure that any future developments are viable and not stifled by an onerous affordable housing requirement, the policy should be flexible enough to have regard to prevailing market conditions. This method will allow both for the maximisation of affordable housing on site and the viability of schemes aiding delivery in the long term.
- 5.11 The assessment shows that on the sites assessed, in certain market conditions, as the housing market improves, schemes including 10% affordable housing would be viable. It is the aim of the Local Authority to maximise the number of affordable homes delivered across the Borough, regardless of market conditions. Therefore a policy which builds in both some certainty for landowners and developers and flexibility to account for differing market conditions and allows for the establishment of viability on a scheme by scheme basis would seem to be the best way of meeting this role.
- 5.12 If the affordable housing policy was not designed to be flexible in terms of setting a target that is economically viable it may be viewed as being undeliverable and subsequently found unsound by a Planning Inspector. This has been proven by successful legal challenges against inflexible Local Plan and Core Strategy affordable housing policies at Examination, and successful planning application appeals, by developers in high profile cases.
- 5.13 The policy therefore stipulates a minimum affordable housing requirement of 10%, with no upper threshold requirement. This approach will ensure continuous affordable housing delivery in the difficult short term, and in the long term as the housing market improves, a greater provision above excess the 10% threshold.

iii) Location of Affordable Housing Provision

- 5.14 It is expected that affordable housing will be delivered through on-site provision and where appropriate should be 'pepper potted' throughout the development. In certain circumstances, however, it will be acceptable for provision to be made off-site, for instance where a site is designated for executive housing or when applicants can provide robust evidence why the affordable housing cannot be achieved on-site. In some circumstances, it may be beneficial to the Council's wider housing regeneration agenda for provision to be made elsewhere. In these circumstances the Council will require a commuted sum to be made towards off-site provision.
- 5.15 Affordable provision will be expected to be delivered in partnership with a Registered Provider through a legally binding agreement which secures long term retention of the dwelling as an affordable unit. The specific level of contribution would need to be agreed, but the Council should seek to adopt a principle whereby the value of the contribution would be greater for off site provision than for on site, reflecting the cost saving that a developer could achieve from not providing the units on site. An example of how affordable provision might work is set out as an appendix to this report

iv) Tenure Mix

- 5.16 Housing developers will be expected to achieve a target of 80% social rented and 20% intermediate tenure mix on each site. Housing type and tenure split will be negotiated on a site-by-site basis, having regard to the most up-to-date evidence of need, mix of tenures of existing housing nearby, the desire to create balanced communities and the constraints and requirements of providing on-site provision.
- 5.17 The proposed 80/20 tenure split and the size/type of affordable dwellings required is informed by both the Hartlepool SHMA and the Tees Valley SHMA; reflecting the predominant housing need in the local area.

v) Delivery and Management

- 5.18 Except in exceptional circumstances, all affordable units will be delivered in partnership with a Registered Provider by means of a Legal Agreement, and appropriate provision to secure long term availability.

6. RECOMMENDATIONS

- 6.1 Council's views are requested.

7. CONTACT OFFICER

Andrew Carter
Senior Planning Officer
Urban and Planning Policy
Bryan Hanson House
Hanson Square
Lynn Street
Hartlepool
TS24 7BT

Appendix 1

Example of an Affordable Housing Contribution

Application	Residential development consisting of 79 dwellings
Date	2011
Total Affordable Target	10%
On Site Provision	5% (4 affordable dwellings)
Off Site Provision	5% (4 affordable dwellings)
Affordable Housing Need	19% 1-2 bed 66% 3+ bed 15% Older Persons
Tenure Split	80 Social Rented (SR) 20 Intermediate (INT)
On Site Affordable Provision	1 x 2 bed dwellings (1 x SR) 2 x 3 bed dwellings (1 x SR, 1 x INT) 1 x Older Persons Bungalow (1 x SR) 4 x Total Affordable Dwellings (3 X SR, 1 x INT)
Off Site Affordable Commuted Sum	Market Sale Price = £120,000 Commuted Sum = 60% of Market Price* 4 x £72,000 Commuted Sum Commuted Sum = £288,000

*The 60% commuted sum relates to what the Registered Provider would pay the developer for the transfer of the dwelling. Therefore, for the worked example, the developer only contributes £48,000 to affordable housing, the remaining £72,000 is recouped from the Registered Provider. By asking for 60% as a commuted sum, the developer is asked to provide £72,000; a further 20% on top of the on-site provision expected.

For the worked example above, the off-site commuted sum could be used to:

- Build 3 affordable dwellings on Council owned land, or
- Acquire 4 units on a housing regeneration site, or
- Put into an equity share scheme to encourage private home ownership and sales (done with success at Headway), or
- Put into an existing private or Registered Provider scheme to secure more affordable housing.

COUNCIL

14 April 2011



Report of: CONSTITUTION COMMITTEE

Subject: BUSINESS REPORT

1) RECORDED VOTES AT COUNCIL

At the meeting of the Committee held on 25 March 2011, Members were reminded that at the meeting of Council on 24 February 2011 (minute 132 refers) Members had discussed the option of having recorded votes for all decisions taken at Council. Following the discussion, Council had referred the issue to Constitution Committee for further consideration and to enable legal clarification to be provided.

Members of the Committee considered relevant general considerations in terms of method of voting, meaning of present and voting and the relevant provisions in the Constitution relating to voting.

Members of the Committee supported the view which had been expressed by Council in respect of the proposal for recorded votes being held for all 'Council decisions'. The Committee recommended, therefore, that Council Procedure Rule 17. – Voting– be amended as follows:-

~~17.3 Show of hands~~

~~Unless it is decided by the Council that a ballot shall be taken under rule 17.4 or rule 17.6(ii)(a), or that a recorded vote shall be taken under rule 17.4, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.~~

~~17.4 17.3 Ballot or Recorded Vote~~

~~(i) A ballot shall be taken, if the Council decides, before the vote is taken on any question. The Chair will announce the numerical result of the ballot immediately the result is known.~~

17.4 Recorded Vote

~~A recorded vote shall be taken if one third of the Council so decide before the vote is taken on any question. Unless 17.3 applies, the Chair shall ensure that recorded votes are taken.~~ The names of the Members of the Council voting for and against the motion or amendment, or abstaining from voting will be taken down in writing and entered into the minutes.

~~17.5 Right to require individual vote to be recorded~~

~~Where any Member requests it immediately after the vote is taken, there shall be recorded in the minutes whether that Member voted for or against the motion or abstained from voting. When making the request the Member must indicate whether s/he voted for or against the motion or abstained from voting.~~

~~17.6~~ 17.5 Voting on appointments

(No change proposed)

Under Council Procedure Rule 24.2, when proposed and seconded, the proposed amendments are required to stand adjourned without discussion to the next ordinary meeting of the Council.

2) OFFICER EMPLOYMENT RULES

At the Constitution Committee's Task and Finish Group on 20 January 2011 revised wording to the Constitution was considered and discussed in respect to the particular procedure rules relating to the appointment of chief officers.

Two key issues were identified:

- when reorganisation occurs and posts, and their postholders, are allocated additional duties and responsibilities which may result in a change to the grade of the post, and;
- when a vacant post is to be recruited to that a competitive recruitment process takes place as directed by an Appointment Panel determined by Council.

Members of the Committee considered proposed wording for the Constitution which addressed the concerns of Members. The following amendment, of rule 3.1, was set out in the report:-

“Where Council proposes to recruit internally only or internally/externally to a vacant post of Chief Executive, Director or other Chief Officer the Council will establish an Appointments Panel. This will not apply when the role, responsibilities, terms and conditions of an officer covered by the Officer Employment Procedure Rule are revised as a result of organisational

change in accordance with the Council's reorganisation procedures. [The paragraph would go on to set out the current Appointments Panel procedure.]

Additionally, to address concerns of Members regarding the first key issue above, it was proposed that arrangements will be made for all Elected Members to be briefed on new service arrangements whenever there are revisions to an occupied post which is covered by the Officer Employment Procedure Rule as a result of organisational change in accordance with the Council's reorganisation procedures.

Members of the Committee agreed the above subject to the insertion of the following sentence to the proposed amended wording to the Constitution:-

'There is a presumption that all staff are treated fairly and equally'.

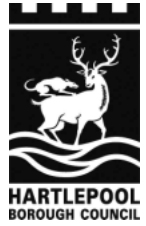
RECOMMENDATION – That Officer Employment Procedure Rule 3.1 be amended as follows:-

"Where Council proposes to recruit internally only or internally/externally to a vacant post of Chief Executive, Director or other Chief Officer the Council will establish an Appointments Panel. This will not apply when the role, responsibilities, terms and conditions of an officer covered by the Officer Employment Procedure Rule are revised as a result of organisational change in accordance with the Council's reorganisation procedures. There is presumption that all staff are treated fairly and equally. The Council will:-

- a) make arrangements for a statement to be drawn up specifying:
 - the duties of the post concerned; and
 - any qualifications or qualities to be sought in the person to be appointed;
- b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

COUNCIL

14 April 2011



Report of: Constitution Committee

Subject: PROPOSED AMENDMENTS TO CONTRACT
PROCEDURE RULES

1. PURPOSE OF REPORT

- 1.1 To seek Council endorsement of proposed changes to the Contract Procedure Rules (CPRs) following consideration by the Constitution Committee on 25th March 2011.

2. BACKGROUND

- 2.1 The Council's current Commissioning and Procurement Strategy contains a number of initiatives which are designed to improve the Council's procurement practices for both internal practitioners as well as the Council's supply base.
- 2.2 Successful implementation of these initiatives will only be possible if appropriate changes can be made to the Council's CPR's. Details of what these required changes are and the initiatives they are designed to support are provided in this report.
- 2.3 The following paragraphs outline the initiatives which require support through amendments to the CPR's:
- i) **Changes to the current quotation/tender thresholds** – There has been work carried out on a regional basis to harmonise, as far as possible, the quotation/tender thresholds used by the various north-east councils. The benefits and risks of increasing quotation thresholds are provided later in this report.
 - ii) **Supporting local businesses** – The planned introduction of IT based quotation solutions provides the opportunity to support local businesses more effectively than can be achieved currently. The adoption of a requirement to offer opportunities to local businesses in the CPR's will ensure that quotation processes are configured in such a way as to ensure that this occurs.

- iii) **Quotation gathering processes** - To support the raising of tender thresholds as described in paragraph i) above, it will be necessary to introduce robust processes to support the quotation gathering activity which occurs for any sub-tender level procurement. IT based solutions are available however the introduction of these will require that certain activities are mandated. The inclusion of such mandates will be hugely important in ensuring that all procurement activities are carried out in an appropriate and proportional manner.
- iv) **Collaborative procurement** – The current CPR's refer to the use of existing collaborative contracts, however the wording is such that it doesn't allow procurers to easily make use of the wide range of collaborative procurement arrangements which currently exist and which have been developed to provide efficient options in terms of process and value for money.
- v) **Completion/review of contract documents** – There are a number of contract documents developed by Council staff which have not been issued to the Legal Department for review and completion. In order to ensure that all supply, service and works contracts to which Hartlepool Borough Council are a party are appropriately drafted and executed it is essential that this documentation is routed through the appropriate department. There is currently no requirement in the CPR's that such a referral take place and as a result this is an ideal opportunity to implement such a requirement.
- vi) **Various clarification issues** – Provide confirmation of and changes to procedures to improve procurement processes.

3. THE CONSULTATION PROCESS

- 3.1 These proposals have been drawn up in conjunction with a CPR subgroup, formed from members of all Council Departments. Following this the proposals were documented and presented to a number of committee's and groups for comment and debate.
- 3.2 The following committees/groups have been consulted on these changes and their comments taken into account as part of this final drafting process:

Contract Procedure Rules subgroup
Corporate Procurement Group
Corporate Management Team Support Group
Corporate Management Team
Senior Management Teams
Contract Scrutiny Committee
Portfolio Holder

4. THE PROPOSED CHANGES

The finalised CPRs are attached for information, with all additions underlined and all deletions struck out.

As the CPRs are “Contract Standing Orders” within the Constitution, they are a non-executive function and therefore needed to be considered by the Constitution Committee and then to Council for approval.

5. RECOMMENDATIONS

- 5.1 That Council agrees the proposed changes to the Contract Procedure Rules.

Part 4 - Rules of Procedure

Rules of Procedure

Access to Information Procedure Rules.....	5
Budget and Policy Framework Procedure Rules.....	19

Contract Procedure Rules.....	27
-------------------------------	----

Proposed changes relate to the Contract Procedure Rules only – no changes are proposed to any other section of the Rules of Procedure

Council Procedure Rules	53
Executive Procedure Rules.....	87
Financial Procedure Rules	93
Officer Employment Procedure Rules.....	123
Overview and Scrutiny Procedure Rules.....	129

Contract Procedure Rules

CONTENTS

Rules

Introduction29

Part A – Scope of Contract Procedure Rules35

1. Application of Contract Procedure Rules

Part B – Selected Tenderers Lists36

2. Compilation of Selected Tenderers Lists

Part C – Informal / Quotations Procedures37

3. Informal Procedure - Contracts under ~~£5,000~~ £2,000

~~Informal Quotations Procedure - Works contracts £5,000 - £20,000~~

4. Formal Quotations Procedure - Works Contracts ~~£5,000~~ £2,000 - ~~£50,000~~
£100,000

Goods, Materials or Services Contracts ~~£5,000~~ £2,000 - ~~£25,000~~ £60,000
(In-House bid contracts ~~£5,000~~ £2,000 - £100,000).

Part D – Best Price Procedures38

5. Works Contracts over ~~£50,000~~ £100,000

Goods, Materials or Services Contracts over ~~£25,000~~ £60,000
(In-House bid contracts over £100,000).

6. Public Notice provisions

7. Selected tenderers provisions

8. Acceptance of tender

Part E – Price/Performance Procedures.....40

10. Price/Performance Contracts Provisions

Part F – Partnering Contracts Procedures41

11. Partnering Contracts Provisions

Part G – General Provisions42

12. Opening of Tenders

13. Tenders to be returned in sealed envelopes

14. Agreed Marking Mechanism

- 15. Contracts to be in writing
- 16. Liquidated Damages and Performance Bonds
- 17. Other remedies for breach
- 18. British Standards
- 19. Prevention of Corruption
- 20. Vetting and Signature of contracts
- 21. Tenderers withdrawal
- 22. Post contract variations and negotiations
- 23. Nominated sub-contractors

Part H – Glossary.....49

- 24. Interpretation

CONTRACT PROCEDURE RULES

INTRODUCTION

Contracts covered by the rules

The following procedure rules apply to contracts entered into by the Council whether under authority exercised by the Executive (in respect of executive functions), Full Council (in respect of non-executive functions), a committee of either the Executive or the Council or an officer. The contracts to which they are applicable are contracts for the acquisition of goods, materials or services or for the execution of works, with certain exceptions set out in the rules.

The rules do not represent a total procedure package – rather they stipulate a number of requirements that must be complied with within any contract letting procedures adopted. For further details of the procedures to be followed in the procurement of goods and services, reference should be made to the Procurement Guidance (*Officers Guide to Procurement*), which gives a wider explanation of the Council's procurement policies and practices. Where significant expenditure is contemplated, the rules establish requirements in the context of 3 contract-letting concepts –

- Best Price basis - lowest price where price to be paid by Council; highest price where price to be received by Council;
- Price/Performance – contractor to be selected on basis of combination of price and quality, buyer of goods/services to be selected on basis of combination of price and benefits to Hartlepool residents
- Partnering – contract includes:
 - establishment of partnering team
 - pricing policy
 - open-book policy
 - savings/benefits sharing formula.

Central Purchasing Contracts

Where goods or services are to be acquired of a nature in respect of which a central contract has been established by the North East Purchasing Organisation (NEPO), the Council's Procurement Unit, or is a contract designated as the Council's preferred channel, such goods and services will be purchased through that contract unless the Chief Officer, following consultation with the Head of Procurement, Assistant Director (Resources), Regeneration and Neighbourhoods Department considers a special exemption can be made. Goods or services for which the Council has; accepted a tender submitted to NEPO or the Council's Procurement Unit or, where they can be secured through a contract which has been designated as the Council's preferred channel, are outside the scope of the Contract

See Note 1

Procedure Rules and will be obtained from the relevant supplier in accordance with the NEPO applicable procedures.

Select Lists

Where goods, services or works are to be acquired of a nature in respect of which a select list has been established or adopted by the Council, such goods, services or works will be purchased through that arrangement unless the Chief Officer, following consultation with the Head of Procurement, Assistant Director (Resources), Regeneration and Neighbourhoods Department considers a special exemption can be made. Goods or services for which the Council has accepted a tender submitted via a Select list are outside the scope of the Contract Procedure Rules and will be obtained from the relevant supplier in accordance with the procedures defined for using the Select List.

Strategic Partnerships

Where goods or services are to be acquired of a nature in respect of which the Council has established a Strategic Partnership with another provider, such goods and services will be purchased through that Strategic Partnership. Only in exceptional circumstances and following consultation with the Head of Procurement, Assistant Director (Resources), Regeneration and Neighbourhoods Department and the Chief Solicitor, will exemptions be made.

The rules and an In-house Provider

These rules do not apply when a decision is taken to have work executed by an in-house provider such as Neighbourhood Services, without competitive process. In such circumstances, the provider being a department or division of the Council, there is no contract as it is a fundamental principle of contract law that a party cannot contract with itself. Even where a competitive process has taken place and the work is awarded to the in-house provider on the basis of their bid, there is no contract.

This has the consequence that, when it is necessary for the in-house provider to have some part of the work done by an outside contractor, the contract with the outside contractor is a 'contract', rather than a 'sub-contract' (requiring specific contract provision regulating the relationship between the in-house provider and the external contractor which is outside the scope of this commentary). For the purposes of their bid as part of a competitive process, the in-house provider may wish to include elements of cost for an external contractor and provision is made for a higher limit for informal/quotations procedures to be followed in such circumstances. Costs established through these informal/quotation/tender procedures can then be used as the basis of the contract with the external contractor without further tendering procedures being followed. In these rules, such contracts are referred to as "In-house Bid Contracts".

Criteria for selection of Price/Performance and Partnering Contracts

Contracts will be of the Best Price type unless a decision has been taken that either a Price/performance contract or a Partnering contract is to be established. Considerations which will inform such a decision are likely to include: -

- Value of contract
- Nature of project - e.g. is the work involved of a specialist nature where the contractor's techniques, design talents, contacts with government departments, national agencies etc are likely to be material to any choice
- Frequency of need for services/work
- Importance of adherence to budget
- Client input throughout the project

Roles and Responsibilities

Responsibility for decision making and action under contract letting procedures and for monitoring of the application of the contract procedures will be spread over the Council, in the interests of both efficiency and probity. Statutory guidance indicates that there should be delegated to officers greater responsibility for discharge of executive functions.

The role of Members

The Executive or the Council

Most contracts will relate to executive functions and regulations provided that those functions may only be discharged by the Executive (either full Cabinet or an individual Portfolio Holder, as the case may be). In respect of contracts relating to their executive functions, the Executive will have the responsibility:

- To determine the project including general aims of the construction, or service to be acquired
- To establish the level of expenditure for the project
- To approve lists of selected tenderers prepared under Rule 2
- To determine the nature of the contract – best price, price/performance or partnering
- To determine the Price/Quality ratio in respect of a price/performance Contract or a Partnering Contract or other basis of assessment

- To determine the Budget Price in respect of a Partnering Contract
- To waive any element of the Contract Procedure Rules in the case of an individual contract or class or group of contracts

Occasionally, the necessity for a contract may arise in connection with non-executive functions. In such a case the roles set out above, to the extent that they may be relevant, will be discharged by the Council.

In preparing a report inviting a decision to enter into a contract, the responsible officer should structure the report so as to cover the matters which require decision as set out above thus ensuring that the nature of the action to be taken by officers following the decision is clear.

The Contract Scrutiny Committee

In order to ensure probity and transparency in the award of contracts, the Contract Scrutiny Committee will participate in the letting of contracts by monitoring their compliance with the Contract Procedure Rules at a number of stages, both during and after the completion of the contract procedure. In respect of any contract the Panel will have the responsibility:

- To receive and examine tenderers lists
- To open tenders
- To receive and examine reports on the outcome of price/performance and partnering contracts letting procedures

The role of Officers - The Chief Officer/Officer Team

The Chief Officer/Officer Team will have the responsibility:

- To prepare the specification
- To approve use of selected tendering list or, if none available, to determine the tendering list for the contract
- To advertise/issue invitations for expressions of interest
- To determine a marking mechanism for each contract or for categories of contracts
- To select contractors for participation in Price/performance and Partnering contracts procedures
- To interview contractors
- To evaluate proposals & contractors and allocate scores

- To approve the successful contractor

It is presumed that officers responsible for procuring goods, works and services under these rules are familiar with the powers delegated to officers under the Council's delegation scheme, at least to the extent that those powers enable an officer to take action without a specific authority from Members. Where an officer is given power to take action (e.g. to incur expenditure for which budgetary provision has been made), that power includes the power to enter into any contract necessary to secure the goods, works or services involved. In the interests of transparency, the requirement for tenders to be opened by the Contract Scrutiny Committee applies to contracts undertaken by an officer under delegated powers, but the responsible officer, rather than the Chief Solicitor would sign such a contract.

Electronic Procurement (e-Procurement)

The Council's E-procurement Strategy requires that whenever possible procurement shall be carried out electronically. All procurement carried out, on any e-procurement system approved by the Chief Solicitor and the Head of Procurement, Assistant Director (Resources), Regeneration and Neighbourhoods, is subject to these Rules.

General

In the event of conflict between this Introduction and the following Contract Procedure Rules, the latter shall prevail

These rules are made in pursuance of Section 135 of the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001.

PART A - SCOPE OF CONTRACT PROCEDURE RULES

1 Application of Contract Procedure Rules

- i) These rules apply to every contract for the supply of goods, materials or services or for the execution of works, so far as they are relevant to a contract of the type determined by the Executive or the Council (as the case may be), except as provided in (ii) below.
- ii) With the exception of (vii) below, these rules do not apply to contracts with professional persons or contractors for the execution of works or the provision of services in which the professional knowledge and skill of these persons or contractors is of the primary importance or where the contract is for the provision of caring services to children or vulnerable persons.

- iii) No exception from any of the rules shall be made otherwise than by direction of the Executive or the Council or in any case of urgency, the Chief Officer after consultation with the Monitoring Officer. A record of any exception from any of the provisions of these procedure rules shall be reported to the Contract Scrutiny Committee at their next meeting, and shall specify the case or urgency by which the exception shall have been justified.
- iv) For the purposes of any financial limit referred to in the rules, if the application of the rules to a particular contract cannot be identified until after opening of any tender, the value of the contract shall be as estimated by the Chief Officer.
- v) Reference in these rules to any decision, authority or action of the Council, the Executive, the Contract Scrutiny Committee or an officer shall be deemed to include reference to a decision approval or action of the responsible body or officer prior to as well as after the adoption of these rules.
- vi) The letting of any contract shall also comply with any legislation or regulations relevant to the contract, Health and Safety Regulations, the European Directive on public procurement, the Council's Financial Regulations and the Council's Commissioning and Procurement Strategy.
- vii) In respect of any contract to which, for whatever reason, the procedures set out in these rules do not apply, there shall be followed a procedure which:
 - has been determined and recorded prior to its commencement
 - ensures a level of competition consistent with the nature and value of the contract
 - is transparent and auditable
 - provides value for money, and
 - records the reasons for choosing the successful contractor

PART B - SELECTED TENDERERS LISTS

2 Compilation of Selected Tenderers Lists

- i) This rule applies where a decision has been made that a list shall be kept of persons to be invited to tender for contracts for the supply of goods, materials or services of specified categories, values or amounts, or for the execution of specified

categories of work and such a list is not to be compiled in accordance with the Construction line procedure formulated by or on behalf of the Department of Trade and Industry

- ii) The list shall include at least eight wherever possible persons and shall:
 - be approved by the Executive and (subject to paragraph iv below) be maintained on behalf of the Executive by the Chief Officer;
 - contain the names of all persons who wish to be included in it and are approved by the Executive or Chief Officer/Head of Department, subject to no persons being included until the appropriate technical officer is satisfied that they have the capacity to undertake the contracts envisaged, the Chief Customer and Workforce Services Officer is satisfied that they have adequate Health and Safety arrangements and the Chief Finance Officer is satisfied that they are financially sound; and
 - indicate whether a person whose name is included in it is approved for contracts for all or only some of the specified values or amounts of categories.
- iii) At least six weeks before the list is first compiled, notices inviting applications for inclusion in it shall be published:
 - in one or more local newspapers circulating in the district,
 - on the procurement pages of the Council's website,
 - on the Government Opportunities Portal - Supply2.gov.uk.
 - and in one or more newspapers or journals circulating among such persons as undertake contracts of the specified values or amounts or categories.
- iv) The list may be amended by the appropriate Chief Officer as required from time to time and shall be reviewed as follows:
 - Review to be carried out at intervals not exceeding 4 years, where an update of the list is carried out and notices inviting applications for inclusion in the list shall be published in the manner provided by paragraph (iii) of this standing order.
 - Update to be carried out at intervals not exceeding 2 years, where each person whose name appears in the list shall be asked whether s/he wishes his/her name to remain therein.

Any such amendment or update shall be reported to the Executive. Any such review shall be presented to the Executive for approval and then reported to the Contract Scrutiny Committee.

PART C - INFORMAL / QUOTATION PROCEDURES

NOTE: All quotations referred to in sections 3 and 4 below are to be sought from pre-determined frameworks, where such arrangements exist. Where such arrangements do not exist, a minimum of two local suppliers (where available) must be invited to submit a quotation.

See
Note 2

3 Informal Procedure - Contracts under ~~£5,000~~ £2,000

For a contract for less than ~~£5,000~~ £2,000, reasonable enquiries shall be made to determine that the price is fair and reasonable.

See
Note 3

~~Informal Quotations Procedure – Works contracts £5,000 – £20,000~~

~~For a contract for the execution of work over £5,000 and up to £20,000 three quotations shall wherever possible be obtained.~~

**4 Formal Quotations Procedure –
Works contracts ~~£5,000~~ £2,000 - ~~£50,000~~ £100,000
Goods materials or Services Contracts ~~£5,000~~ £2,000 - ~~£25,000~~ £60,000
(In-house bid contracts ~~£5,000~~ £2,000 - £100,000)**

In respect of contracts:

- ~ for the execution of work over £2,000 and up to £100,000 (for In-house bid contracts see Introduction to these Contract Procedure Rules); or
- for the supply of goods materials or services over £2000 and up to ~~£25,000~~ £60,000 (£100,000 for In-house bid contracts)

at least three ~~written~~ documented quotations shall wherever possible be obtained. All quotations are to be secured using the Council's prescribed system and process of quotation gathering, specific details of which are provided in the Council document 'Officer's Guide to Procurement'.

See
Note 4

PART D - BEST PRICE PROCEDURES

**5 Works contracts over ~~£50,000~~ £100,000
Goods materials or Services Contracts over ~~£25,000~~ £60,000
(In-house bid contracts over £100,000)**

See
Note 3

- i) Except for contracts described in Rule 6(ii), no contracts which exceed ~~£50,000~~ £100,000 (~~£100,000 in the case of an in-house bid contract~~) in value or amount for the execution of any work, or

~~£25,000~~ £60,000 (£100,000 in the case of an In-house bid contract) in value or amount for the supply of goods, materials or services shall be made unless public notice has been given in accordance with the Public Notice provisions (see Rule7).

ii) Rule 6(i) does not apply to contracts which have been determined should be let under the Selected Tenderer provisions (see Rule8) or which relate to the following matters: -

(a) Purchase by auction;

(b) Work to be executed, or goods materials or services to be purchased, which are a matter of urgency;

(c) The work to be executed or the goods, materials or services to be supplied consist of repairs to or parts for existing machinery or plant;

(d) The goods, materials or services to be purchased are such that a substantial proportion of the price is likely to be attributable to haulage;

(e) The purchase of goods, materials or services which are obtainable only from a limited number of contractors, but in such case a reasonable number of contractors shall be invited to submit tenders.

(f) Purchase or repair of patented or proprietary article or articles sold only at fixed price;

(g) The goods, materials or services to be purchased are such that effective competition is prevented by government control;

(h) The prices of the goods, materials or services to be purchased are controlled by a trade organisation or for other reasons there would be no genuine competition.

7 Public Notice provisions

i) At least twenty eight days public notice shall be given

- in one or more local newspapers circulating in the district,
and/or
- on the procurement pages of the Council's website,
and/or
- on the Council's chosen procurement portal

and

See Note 5

- on the Government Opportunities Portal - Supply2.gov.uk or any subsequent version of the same.

and

- also, wherever the value or amount of the contract exceeds £100,000 in the case of execution of any works or exceeds ~~£40,000~~ £60,000 in the case of supply of goods, materials or services, and where deemed appropriate, in one or more newspapers or journals circulating among such persons as undertake such contracts,

expressing the nature and purpose of the contract, inviting tenders for its execution and stating the last date (not less than 28 days after appearance of the public notice) when tenders will be received.

- ii) After the date specified in the public notice, invitations to tender for the contract shall be sent to not less than four of the persons who applied for permission to tender, selected by the Chief Officer in the approved manner, either generally or in relation to a particular contract or category of contract or, if fewer than four persons have applied and are considered suitable, to all such persons.

8 Selected tenderers provisions

This rule applies where it has been determined that the invitation to tender for a contract is to be limited to persons whose names appear on a Selected Tenderers list compiled under Rule 2. An invitation to tender for that contract shall be sent to at least four of those persons included in the list as being approved for a contract for that value or amount or of that category, or, if there are fewer than four such persons, to all such persons. If there are four or more such persons, the persons to whom invitations are sent shall be selected by the Chief Officer in the manner approved, either generally or in relation to a particular contract or to a category of contracts.

9 Acceptance of tender

A tender –

- ~ other than the lowest tender if payment is to be made by the Council or
- ~ other than the highest tender if payment is to be received by the Council,

shall not be accepted without the fact of and reason for the acceptance being recorded and notified to the Contracts Scrutiny Committee at their next meeting.

PART E - PRICE/PERFORMANCE CONTRACTS

10 Price/performance Contracts Provisions

This rule applies when it has been determined by the Executive, that the contractor shall be chosen on the basis of a combination of price and performance and for which a price/performance ratio has been determined.

- i) (a) Where there is a relevant Select List of Contractors for the nature of work or service involved in the project, the Chief Officer shall invite such number of contractors from the list as s/he considers appropriate to indicate whether they are interested in undertaking the proposed works and, if so, to provide a list of all clients for whom they have worked in the 2 years prior to the invitation.

(b) Where there is no Select List of Contractors public notice requesting expressions of interest from contractors must given in accordance with the Public Notice provisions (see Rule7).
- ii) The Chief Officer shall select from the contractors who confirm their interest and provide relevant details those contractors who will be invited to submit tenders (minimum number four – see Rule7 ii) and shall compile a list of those contractors for examination by the Contracts Scrutiny Panel.
- iii) Contractors invited to submit tenders will be required to provide method statements relevant to the contract.
- iv) Not fewer than 4 of the contractor's former clients will be requested to complete a Referee's Questionnaire (see Rule 24) except in the case of a contractor for whom Referee's Questionnaires have been obtained during the previous 6 months.
- v) An Agreed Marking Mechanism (see Rule 14) shall be applied to calculate the Price/performance Score of each contractor.
- vi) The contractor with the highest Price/performance Score will usually be awarded the contract.
- vii) The Price/performance Score of each contractor shall be entered into a Price/performance Score Matrix (see Rule 24) which shall be submitted to the Contracts Scrutiny Committee

without any indication of the identity of the Contractor to which each Price/performance Score relates at their next meeting.

- viii) No notification of the identity of the successful contractor shall be given to the successful or any other contractor or otherwise made public prior to the meeting of the Contracts Scrutiny Committee to which the Price/performance Score Matrix has been submitted.

PART F - PARTNERING CONTRACTS

11 Partnering Contracts Provisions

This rule applies when it has been determined by the Executive that there shall be a Partnering Contract, namely a contract which includes all of the following provisions: -

- the establishment of a partnering team
 - the stipulation of a Pricing Policy, being a statement of the prices to be charged by the contractor for the purchase of the materials and items set out in the statement
 - a facility for the Council to examine all aspects of the contractors accounts for the contract and
 - a Savings Sharing Formula being a formula for the sharing between the contractor and the Council of savings achieved within a Partnering Contract
- i) (a) Where there is a relevant Select List of Contractors, the Chief Officer shall invite such number of contractors from the list as s/he shall consider appropriate to indicate whether they are interested in undertaking the proposed works under a partnering contract and, if so, to provide a list of all clients for whom they have worked in the 2 years prior to the invitation.
 - (b) Where there is no Select List of Contractors public notice requesting expressions of interest from contractors must given in accordance with the Public Notice provisions (see Rule7).
- ii) The Chief Officer shall select from the contractors who confirm their interest and provide relevant details those contractors who will be given further consideration (minimum number four – see Rule7 ii) and shall compile a list of those contractors for examination by the Contract Scrutiny Committee.
- iii) In respect of each of the contractors so selected not less than 4 of the contractor's former clients shall be requested to complete

a Referee's Questionnaire except in the case of a contractor in respect of whom Referee's Questionnaires have been obtained during the previous 6 months.

- iv) Responses to the Referee's Questionnaires shall be evaluated according to an Agreed Marking Mechanism and each of the 4 highest scoring contractors (or such greater number as may be determined by the Chief Officer) shall be invited to confirm their ability to complete the project for the project budget.
- v) Contractors who so confirm will be invited to-
 - provide details of the contractor's proposed overhead costs, profit element, contractors net project cost, and preliminaries costs, and
 - to attend interview by an Interview Panel who will allocate an interview score for each contractor.
- vi) The Partnering Score of each Contractor will be calculated by reference to an Agreed Marking Mechanism and entered into a Partnering Score Matrix which shall be submitted to the Contract Scrutiny Committee without any indication of the identity of the Contractor to which each Partnering Score relates.
- vii) The proposal of the contractor with the highest Partnering Score will usually be accepted.

G - GENERAL PROVISIONS

12 Opening of tenders

- i) **Tenders must be issued with a Friday return day and a submission deadline of 12 noon.**

See Note 6

Tenders shall be opened at one time and only in the presence of: -

- at least three members of the Contract Scrutiny Committee; and
 - the Chief Executive or an official of the Council designated by him/her.
- ii) Paragraph (i) of this Order shall not apply to tenders obtained for the In-house Provider for the purpose of compiling a bid as tender for submission by the In-house Provider, which tenders shall be opened by the Head of Procurement, Assistant Director

(Resources), Regeneration and Neighbourhoods Department and the relevant Head of Service or their nominated Officers.

13 Tenders to be returned in sealed envelopes (except in the event of the Council's approved e-procurement system being used)

- i) Every notice of invitation to tender shall state that no tender will be received except in a plain sealed envelope which shall bear the word "Tender" - followed by the subject to which it relates - but shall not bear any name or mark indicating the identity of the sender. Envelopes shall be returned to the Chief Executive and once received shall remain in the custody of the Chief Executive or his/her nominee until the time appointed for their openings.
- ii) The Chief Executive or the Head of Service of the In-house Provider (as the case may be) shall keep a record of all tenders received.
- iii) (a) A Schedule of all tenders received (except tenders to which Rule12(ii) applies) shall be circulated to the Contract Scrutiny Committee or shall be tabled by the Chief Executive at the Contract Scrutiny Committee meeting at which they are under consideration;

(b) No information shall be included in such schedule or given to the Committee by which any tenderer may be identified.

14 Agreed Marking Mechanism

No Price/performance procedure or Partnering procedure shall be commenced unless there has been agreed between the Chief Officer and the Council's Head of Audit and Governance, in respect of the particular contract, or in respect of contracts of the nature of the contract in general, an Agreed Marking Mechanism complying with Rule 24. The contractors shall be informed of the elements to be marked and of the comparative importance of each element as a percentage of the available marks.

15 Contracts to be in writing

Every contract, other than those involving the use of Procurement Cards and having a value or amount of £2000 or less, shall be the subject of a Council purchase order or quotation or other formal contract and shall specify

- (a) the work, materials, matters or things to be furnished, had or done;
- (b) the price to be paid, with statement of discounts or other deductions; and
- (c) the time or times within which the contract is to be performed.

Where the value of the contract exceeds the financial limits which require a tender process to take place (see Rule6) the contract must be the subject of a formal written contract signed in accordance with Rule20.

16 Liquidated Damages and Performance bonds

Every contract which exceeds £100,000 in value or amount and is either for the execution of works or for the supply of goods, materials or services, shall, unless the Chief Officer otherwise decides after consultation with the Chief Solicitor, provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed, and the Council shall also require and take sufficient security for the due performance of any such contract. In the case of any such contract for the execution of works such security shall be provided by requiring the retention of a proportion of the contract sums payable until the work has been satisfactorily completed and maintained and, unless the Chief Officer, after consultation with the Chief Solicitor considers it unnecessary in any particular case, additional provision of a bond for due performance.

17 Other remedies for breach

In every contract for the supply of goods, materials or services which exceeds £2,000 in value or amount a clause shall be inserted to secure that, should the contractor fail to deliver the goods, materials or services or any portion thereof within the time or times specified in the contract, the Council, without prejudice to any other remedy for breach of contract, shall be at liberty to determine the contract either wholly or to the extent of such default and to purchase other goods, or materials of the same or similar description to make good (a) such default or (b) in the event of the contract being wholly determined the goods, materials or services remaining to be delivered. The clause shall further secure that the amount by which the cost of so purchasing other goods, materials or services exceeds the amount which would have been payable to the contractor in respect of the goods, materials or services replaced by such purchase if they had been delivered in accordance with the contract shall be recoverable from the contractor.

18 British Standards

Where an appropriate British Standards Specification or British Standard Code of Practice, issued by the British Standards Institution or Euronorm Standard, is current at the date of the tender, every contract shall require that all goods and materials used or supplied and all workmanship shall be in accordance with that Standard.

19 Prevention of Corruption

- i) There shall be inserted in every written contract a clause empowering the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, in any of the following circumstances: -

(a) if the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward –

- for doing or forbearing to do, or for having done or forborne to do, anything in relation to the obtaining or execution of the contract or any other contract with the council or
- for showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Council; or

(b) if the like acts shall have been done by any person employed by him/her or acting on his/her behalf (whether with or without the knowledge of the contractor) or

if in relation to any contract with the Council the contractor or any person employed by him/her or acting on his/her behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916 or shall have given any fee or reward the receipt of which is an offence under Section 117 Local Government Act 1972.

- ii) The form of invitation to tender shall include an assurance in writing from the tenderer that s/he will not follow, or has not followed, in relation to that tender, the under mentioned practices: -

- (a) communicating to a person other than the person calling for tenders for the execution of the work, the amount of any proposed tender in accordance with any agreement or arrangement so to communicate.
- (b) adjusting the amount of any proposed tender for the execution of the work in accordance with any agreement or arrangement by the proposed tenderer, and any person other than the person calling for tenders for the execution of such work.

20 **Vetting and Signature of contracts**

Contract Vetting

See Note 7

- i) Contracts which are subject to the requirements of Part D – BEST PRICE PROCEDURES are to be referred to the Corporate Procurement Unit for vetting.
- ii) The Corporate Procurement Unit must refer all contracts which are subject to the requirements of Part D – BEST PRICE PROCEDURES and which incorporate additional terms and conditions to those contained in the Council's approved standard contractual documentation to the Council's Legal Services Department for vetting.

Contract Signature

- i) Except for contracts entered into by an officer in exercise of delegated powers, the Chief Solicitor shall be the agent of the Council to sign on behalf of the Council all contracts agreed to be entered into by or on behalf of the Executive or the Council.
- ii) Contracts which are for a value of £100,000 or more shall be either-
 - executed by the Chief Officer and the Chief Soliditor or the Chief Finance Officer or
 - executed under the Council's seal (to be affixed in the presence of the Chief Solicitor (or in his/her absence, some other person authorised by him/her)).

21 Tenderers withdrawal

In the event of any person or firm withdrawing a tender, or dedining to sign a form of contract upon being called on to do so after his/her or their tender has been accepted (whether accepted subject to the Council's approval or not) no further tender from such a person or firm shall, unless the Executive or the Council otherwise resolve, be considered for a period of three years.

22 Post contract variations and negotiations

- i) Except for a variation –
 - (a) which does not substantially affect the nature of the works services goods, materials or services to be supplied to the Council and does not increase the payment to be made by the Council, or
 - (b) is made in accordance with paragraph (ii)

a contract shall not without the authority of the Executive or the Council depart from the description of the works, goods,

materials or services for which the quotation or tender was received.

- ii) This paragraph applies where all of the tenders received exceed the budget allocated for the project and the Chief Officer and the Head of Service relevant to the contract consider that amendments may be made to the specification which would result in a price in accordance with the budget. The lowest tenderer and the next 2 lowest tenderers (if any) whose prices are not more than 125% of the price of the lowest tenderer shall each be provided with a schedule of variations and invited to submit a statement of the reductions to their tender which would apply to the variations.
- iii) Apart from discussions with contractors for the purpose of clarification of any element of a tender, or for the correction of arithmetic or other details, negotiations following receipt of tenders shall only take place in the following circumstances: -
 - (a) where a single tender has been received and the Chief Officer considers that negotiation may lead to more favourable terms to the Council, or
 - (b) when tenders cannot readily be evaluated and compared without discussion with the tenderers or
 - (c) with the approval of the Chief Finance Officer and the Chief Solicitor and the Monitoring Officer (if different) and any negotiations shall be conducted in accordance with paragraph (iv)
- iv) Discussion with tenderers for the purpose of negotiations under paragraph (iii) shall
 - ~~take place only on Council premises~~
 - take place only with the knowledge of all tenderers
 - be attended by not less than 2 Council officers
 - be at a pre-determined time during normal office hours
 - be the subject of a comprehensive written record, signed by the Council officers in attendance and submitted to the Chief Financial Officer, the Chief Solicitor or the Monitoring Officer (if different) for approval

See Note 8

23 Nominated sub-contractors

This rule applies where a sub-contractor or supplier is to be nominated to a main contractor and the selection of the sub-contractor has not been undertaken in accordance with the Price/performance Contracts provisions (Rule 10) nor within the context of a project undertaken under the Partnering Contracts provisions (Rule 11).

- i) Where the estimated amount of the sub-contract or the estimated value of goods to be supplied by the nominated supplier does not exceed £5,000 then unless the Chief Officer is of the opinion in respect of any particular nomination that it is not reasonably practicable to obtain competitive tenders: -
 - (a) The Chief Officer shall invite not fewer than three tenders for the nomination. The terms of the invitation shall require an undertaking by the tenderer that if s/he is selected s/he will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against his/her own obligations under the main contract in relation to the work or goods included in the sub-contract;
 - (b) The tenders shall be opened at one time and only in the presence of the Chief Executive or an officer designated by him/her;
 - (c) The Chief Executive shall maintain a record of all such tenders received;
 - (d) The Chief Officer or an officer designated by him/her shall nominate to the main contractor the person whose tender is, in his/her opinion, the most satisfactory one, provided that, where the tender is other than the lowest received, the circumstances shall be reported to the next meeting of the Contract Scrutiny Committee.
- ii) Where the estimated amount of the sub-contract or the estimated value of goods to be supplied by a nominated supplier exceeds £5,000 then unless the Chief Officer (for reasons to be reported to the Contract Scrutiny Committee at their next meeting) determines in respect of any particular nomination that it is not reasonably practicable to obtain competitive tenders: -
 - (a) Tenders for the nomination shall be invited in accordance with Rules 4, 5, 6, 7 or 8 as the case may be, and Rule 13(i) shall apply as if the tender were for a contract with the Council. The terms of the invitation shall require an undertaking by the tenderer that if s/he is selected s/he will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor

against his/her own obligations under the main contract in relation to the work or goods included in the sub-contract;

- (b) The tenders shall be opened at one time and only in the presence of the Chief Executive or an officer designated by him/her and the Chief Officer or an officer designated by him/her.
 - (c) The Chief Executive or an officer designated by him/her shall maintain a record of all such tenders received.
 - (d) The Chief Officer or an officer designated by him/her shall nominate to the main contractor a person whose tender is in his/her opinion the most satisfactory, provided that where the tender is other than the lowest received, the circumstances shall be reported to the next meeting of the Contract Scrutiny Committee.
- iii) It shall be a condition of the employment by the Council of any person (not being an officer of the council) to supervise a contract that in relation to such contract s/he shall comply with the requirements of paragraphs (i) and (ii) of this Rule 23 as if s/he were a Chief Officer of the Council.
 - iv) Lists of tenders and quotations received in accordance with this Rule 23 shall be retained by the Chief Officer concerned and shall be available for inspection by the Members of Contract Scrutiny Committee and the Chief Executive and the Chief Finance Officer.

PART H - GLOSSARY

24 Interpretation

Unless the context otherwise indicates, the following terms used in these rules have the meanings stated: -

“Agreed Marking Mechanism” is the mechanism which (before the issue of any invitation to tender or attend interview) has been agreed between the Chief Officer and the Council’s Chief Internal Auditor for the allocation of marks making up the Price/performance Score. The Agreed Marking Mechanism shall include the composition of an evaluation team being a panel of officers who shall allocate marks according to the Agreed Marking Mechanism. (see also Rule 14)

“Chief Officer” is the Chief Officer of the Council who is responsible for letting and supervising the completion of a contract or of contracts of a particular nature.

“Contractor’s Net Project Cost” is the balance of the budget price after deduction of the aggregate of the contractors expected profit and

overheads or any other element of the contract which is identified by the Agreed Marking Mechanism as being deductible for the purpose of assessment of the Contractors Net Project Cost.

“Electronic Procurement (e-Procurement)” is a fully electronic procure-to pay process from initial requisition and ordering through to invoicing and payment, and can include e-Auctions, e-Purchasing, e-Tendering and Procurement Cards.

“e-Auctions” is the means of carrying out purchasing negotiations via the Internet. A real time event that occurs online allowing multiple suppliers in different geographic locations to place and modify bids simultaneously.

“e-Purchasing” is a system to automate and extend manual buying processes from the creation of a requisition through to the payment of suppliers. It encompasses back office systems, e-marketplaces and portals and supplier websites.

“e-Tendering” is systems or solutions to enable the tendering process to be conducted via the Internet. Including advertisement of requirement, documentation production, supplier registration, electronic exchange of documents between supplier and buyer, opening of tenders, evaluation of submissions, contract award and publication.

“Executive” is the executive members of the Council acting together as the Cabinet or individually in accordance with the Executive Delegation Scheme currently applicable.

“Interview Panel” is a panel comprising:

- 2 officers appointed by the Chief Officer
- 2 officers appointed by the Client Department, and
- a representative(s) of any other relevant body or department

and who, when meeting, shall be accompanied by an observer appointed by the Chief Officer.

“Partnering Contract” is a contract which includes all the following provisions: -

- i) the establishment of a partnering team
- ii) the stipulation of a Pricing Policy, being a statement of the prices to be charged by the contractor for the purchase of the materials and items set out in the statement
- iii) a facility for the Council to examine all aspects of the contractors accounts for the contract and

- iv) a Savings Sharing Formula being a formula for the sharing between the contractor and the Council of savings achieved within a Partnering Contract

“Partnering Score Matrix” is a matrix showing in respect of all contractors each element of their Partnership Score and their total scores.

“Price/performance Score Matrix” is a matrix showing in respect of all contractors each element of their Price/performance Score and their total scores.

“Price/performance Contract” is a contract for which the contractor is to be chosen on the basis of a combination of price and performance.

“Price/performance Ratio” is the comparative importance of price and performance of the product or service expressed as a percentage ratio.

“Procurement Cards” are charge cards which work in a similar way to credit cards and can be used to purchase goods and services. Can be open to use by any suppliers or have controls placed upon them by the issuer to limit their use to certain suppliers and/or commodities. They are usually used to process low-value, high-volume transactions.

“Project information” comprises: -

- i) Drawings, if any, showing outline of the construction works required
- ii) A cost plan, if available, indicating the total budget for the project
- iii) A specification of materials from which the cost plan has been prepared
- iv) The timescale for the construction works
- v) The substantial form of the contract
- vi) Any other information necessary to enable the contractor to assess the nature and likely cost of the project

“Referee’s Questionnaire” is a questionnaire addressing the following aspects of a contract, namely:

- performance;
- quality;
- adherence to timetable;

- health and safety issues; and
- any other matters considered by the Chief Officer to be relevant to assessment of the service provided by the contractor.

Briefing Notes on Considerations and Reasons for Proposed Changes to Contract Procedure Rules (CPRs)

Numbered Notes are cross referenced on Draft CPRs

Note 1

Widening use of Central Purchasing Contracts

The current CPRs only enable officers to use collaborative contracts put in place by the North East Purchasing Organisation (NEPO).

The use of any other collaborative contracts currently needs to be sanctioned through an exemption to the CPRs which can only be arranged through the drafting of a request to the Head of Procurement and Portfolio Holder, followed up by paper to Contract Scrutiny Committee to explain what has taken place.

Collaborative procurement contracts are now a widely used procurement tool across the public sector and many are available to the Council, offering good value for money (achieved through economies of scale), reduced procurement costs (the work has already been done by another organisation) and reduced risk (the award of the contract has already been completed and any challenges to that award would be aimed at the contract instigator, not the Council).

The Council is able to make use of a vast range of collaborative contracts from NEPO, the Office for Government Commerce Buying Solutions (OGCBS), fellow Councils in the Tees Valley sub-region as well as others put in place by the Homes and Communities Agency (HCA), Eastern Shires Purchasing Organisation (ESPO), Yorkshire Purchasing Organisation (YPO), the list goes on.

In order to streamline the use of these contracts whilst still maintaining control over which contracts may be used it is proposed that the CPR's are amended to widen the scope of contracts permissible to include *'contracts designated as the Council's preferred channel'*.

This change will enable a range of approved non-NEPO collaborative contracts to be available for use by Officers without the need to produce reports for submission to Head of Procurement, Portfolio Holder and Contract Scrutiny Committee.

Note 2

Mandatory invitation for local suppliers to bid on any request for a quotation

In order to support and to be seen to support the Council's local supplier base an amendment has been proposed that requires all Council Officers to invite a minimum of two local suppliers (where available) to submit a quotation.

This proposal conforms to a requirement articulated by the Executive Member for Procurement and has hitherto only been included as guidance to procurers. This applies in the cases that quotations are sought and that local suppliers are available for the goods, services or works being procured.

This requirement does not apply where existing pre-determined framework agreements cover the goods, services or works being procured.

This proposal suggests a minimum of two local suppliers (where available) to be invited to bid, however this is a minimum and the wording of the proposed amendment will allow the Council to increase this number (if deemed appropriate). More details will be provided in the 'Officer's Guide to Procurement'.

Note 3

Increases to the various quotation and tender thresholds

The North East Regional Improvement and Efficiency Programme (NERIEP) have carried out an evaluation of quotation and tender threshold levels across the 12 Local Authorities in the region and proposals were made to harmonise minimum quotation/tender thresholds.

Following on from this work by the RIEP, a minimum tender threshold of £50,000 was proposed for across the region. The RIEP research demonstrated that whilst some Council's (including Hartlepool) had thresholds below this figure, others, such as Darlington and Sunderland have thresholds well in excess of this figure, i.e. £75,000.

The harmonisation of tender thresholds is designed to provide a consistent marketplace for suppliers in the region. In addition, the tender process has been identified as problematic for many local businesses, particularly SME's, and third sector with claims that it is overly bureaucratic, time consuming and expensive to operate.

Following the consultation process it is proposed to increase the existing levels to £60,000 for goods and services and to £100,000 for Works related tenders.

This increase in the tender threshold will effectively reduce the number of tenders the Council undertakes and increase the volume of the less bureaucratic quotation process, which will go some way to address some of the concerns expressed by the supplier base as mentioned above.

Clearly there is an element of concern that raising the thresholds in this way could potentially reduce the amount of control the Council exerts over a significant volume of its expenditure, however, the Corporate Procurement Team is in the process of introducing an e-quotation tool which will have a phased introduction across the whole Council. As already agreed with the Portfolio Holder for Finance & Procurement, use of this system will be mandated (with only a few justifiable exceptions expected).

Use of this tool will introduce specific working practices providing consistency and compliance with the CPR's in relation to all sub-tender level procurement activities as well as providing a comprehensive audit trail of all quotation related procurement activity.

So, whilst we are proposing making less use of the rigorous tender process we are, at the same time, introducing a system to vastly improve the current quotation gathering processes used across the Council thereby ensuring increased compliance with the CPR's and an easier procurement process for our suppliers particularly our local SME's and third sector.

As well as changing these upper limits, it is also proposed to change the lower level limit for quotations from £5,000 to £2,000.

Currently, for any expenditure below £5,000, only 'reasonable enquiries' are required. In practice this could result in business being placed on the basis of verbal quotes or just one quote, and, due to the lack of control over this level of expenditure, it is quite common for purchase orders not to be raised to cover the requirement, with orders being placed verbally or by e-mail. Neither of these methods are compliant with the CPR's which state that all expenditure over £2,000 should be executed in writing, which could mean anything from a purchase order up to a full, complex contract.

By requiring the collection of quotations for expenditure above £2,000, as opposed to the current level of £5,000, Officers will have to secure 3 written quotes and it will continue to be a requirement that, as a minimum, purchase orders will be placed to cover expenditure over £2,000.

Note 4

Reference to mandatory adherence of the Council's requirement for Officers to use the prescribed quotation gathering processes and systems

As referred to in Note 3 above, we are currently introducing an e-quotation system, the use of which the Portfolio Holder for Finance and Procurement has stated must be mandatory (barring a few notable exceptions). This proposed amendment to the CPR's seeks to reflect this requirement whilst providing enough flexibility to allow future changes to the process and/or system. More details will be provided in the 'Officer's Guide to Procurement'.

Note 5

Advertising requirements for tenders

The proposed amendments to the public notice provisions are designed to reflect the increasing use of internet communications. For its tender activity, the Council now makes use of the regional procurement portal provided through our membership of NEPO and this channel provides access to a wide range of suppliers across the region, in addition, all tender opportunities are advertised on the Council's own website.

The requirement to publish on the Government's opportunities portal will still remain however discretion will be allowed in selecting whether or not to advertise in specialist trade press.

By amending the CPR's in the manner proposed we will have the option to choose from publishing in local and/or specialist trade press, advertising on the Council's own web site and/or advertising on the Council's chosen procurement portal. The discretion this allows will enable us to avoid having to place expensive press advertisements where it is believed that web-based publicity will be sufficient to generate an appropriate level of competition.

Note 6

Standard time and day for the submission on tenders

Although previously instructed by Contract Scrutiny Committee, the requirement that all tenders have a closing time of 12 noon on a Friday has not been committed to the Council's CPR's.

There has been occasional confusion about this requirement so in order to ensure that full compliance is achieved it is proposed that the requirement is documented in the Council's CPR's.

Note 7

Vetting and Signature of contract

There appears to have been a degree of confusion regarding the form and execution of contracts in the past and there have been some examples where contracts have been executed by officers the content of which has not been fit for purpose.

In order to address this shortcoming, it is proposed that the CPR's are amended to require that all contracts which have been developed through a tender process be referred to the Corporate Procurement Unit for vetting. For any contracts which deviate from the Council's standard contractual documentation (e.g. through the inclusion of additional terms and conditions) it is proposed that these be passed to the Council's Legal Services Department for vetting.

The purpose of this two-tier approach is that it will avoid the Legal Services Department being swamped by the requirement to vet straightforward, uncomplicated contracts which can be handled by the Corporate Procurement Unit whilst still providing a more appropriate level of scrutiny on contractual documentation the Council intends to utilise.

Note 8

Rules around contract negotiations

It is proposed that the requirement for all negotiations to take place on Council premises be removed. Adherence to this could be problematic when dealing

with tenderers from further afield and where the value of the tender is relatively low.

The other requirements would remain and would provide the necessary level of rigour in terms of undertaking and recording negotiations with potential suppliers.

COUNCIL

14 April 2011



Report of: Scrutiny Co-ordinating Committee

Subject: MEMBERS ATTENDANCE'S WORKING GROUP –
PROGRESS UPDATE

1. PURPOSE OF THE REPORT

- 1.1 To detail the recommendations of the Members Attendance Working Group (created by the Scrutiny Co-ordinating Committee) in relation to the recording of Members attendances.

2. BACKGROUND INFORMATION

- 2.1 In light of the increased national profile of expenses claimed by Members of Parliament, Members of the Scrutiny Co-ordinating Committee wished to ensure that the reporting of Members expenses, allowances and attendances in Hartlepool is done in the most clear and transparent way possible. On this basis, the Scrutiny Co-ordinating Committee, on the 17 July 2009, considered a detailed report outlining statutory / existing requirements for the publication of expenses, allowances and attendances.
- 2.2 Following consideration of the information provided, the Scrutiny Co-ordinating Committee recommended to Council, on the 30 July 2009, a way forward in relation to the recording and publication of Members expenses and allowances. Council approved these recommendations and noted the Scrutiny Co-ordinating Committee's decision to establish a Working Group to further review the issue of 'what' and 'how' Members attendances should be recorded and published.
- 2.3 The Members Attendances Working Group went on to meet on the 11 September 2009, 27 November 2009 and 26 February 2010, with a progress report on its activities presented to the Scrutiny Co-ordinating Committee on the 19 March 2010. On the basis of the work undertaken at these meetings the following outcomes were achieved:-
- i) In recognition of the potential benefits of utilising Hartbeat to raise the profile of work undertaken by Members on a day to day basis, Council on the 15 April 2010 approved the introduction of a series of 'The Life of a Councillor' articles. (This was approved by Council on the 15 April 2010 and is now in place); and

- ii) Extensive discussions took place in relation to ‘what’ and ‘how’ Members attendances could be recorded and reported, including the trail of an extended process. In discussing the information provided, further exploration was requested in relation to issues and concerns raised by Members in respect of options for the use / development of the current attendances database.

2.4 A further meeting of the Working Group was held on the 15 December 2011 to discuss the additional information requested. At this meeting, Members discussed on detail:-

- i) Three options for the future recording of Members attendances:
 - Option 1 (Expansion of the existing spreadsheet maintained by Democratic Services);
 - Option 2 (Development of a Database); and
 - Option 3 (A Committee Management System).
- ii) Activities already undertaken to address concerns previously raised in relation to:
 - Attendance Sheets (now include the capacity to report Members attendance as observers at meetings);
 - Record of Substitutes (spreadsheet amended to recognise Members who attend as substitutes); and
 - Categorisation (spreadsheet amended to reflect the five categories agreed with the Working Group at the meeting on the 27 November 2010 – Formal Meetings, Outside Bodies, Other Council / Cabinet Groupings, School Governing Bodies and SRA Related Meetings).

2.5 In discussing the options available, the need to minimise resource implications in the light of ongoing budgetary constraints and reductions of resources across the Council was acknowledged. Taking this into consideration, the Working Group agreed that:-

- i) Option 1 (i.e. the expansion of the existing spreadsheet maintained by Democratic Services was the most appropriate way forward);
- ii) Only attendances at meetings should be recorded; and
- iii) Two categories of meeting should be recorded, these being:
 - ‘ Formal Meetings’ (those services by the Democratic Services Team); and
 - ‘Others’.

2.6 The Working Groups recommendations were reported back to, and approved by, the Scrutiny Co-ordinating Committee on the 25 February 2011. In addition to this, the Committee approved the submission of the Working Groups recommendations to Council for its support and approval as the way forward for the future recording of Members attendances.

3. RECOMMENDATION

- 3.1 That Council be recommended to approve changes to the process for the recording of Members attendances, as outlined in Section 2.5 above.

**COUNCILLOR MARJORIE JAMES
CHAIR OF SCRUTINY CO-ORDINATING COMMITTEE**

Contact:- Joan Stevens – Scrutiny Manager
Chief Executive's Department - Corporate Strategy
Hartlepool Borough Council
Tel: 01429 284142
Email: joan.stevens@hartlepool.gov.uk

BACKGROUND PAPERS

The following background papers were used in the preparation of this report:-

- i) Minutes and reports of the meetings of the Members Attendances Working Group held on 11 September 2009, 27th November 2009 and 26 February 2010;
- ii) Minutes of the meeting of Council held on 30 July 2009.
- iii) Minutes and reports of the meetings of the Members Attendances Working Group held on 11 September 2009, 27th November 2009, 26 February 2010 and 15 December 2010;
- iv) Minutes and report of the Scrutiny Co-ordinating Committee held on the 19 March 2010 and 15 April 2011; and
- v) Minutes and report of the meeting of Council held on 30 July 2009.

COUNCIL

14 April 2011



Report of: The Cabinet

Subject: Corporate Plan 2011/12

1. PURPOSE OF REPORT

- 1.1 To seek Council's approval of the 2011/12 Corporate Plan.

2. BACKGROUND

- 2.1 The Corporate Plan is the Council's top level plan and sets out the priorities and how the Council will help achieve the vision set in Hartlepool's Community Strategy: -

"Hartlepool will be a thriving, respectful, inclusive, healthy, ambitious and outward-looking community, in an attractive and safe environment, where everyone is able to realise their potential".

- 2.3 As in previous years, the Corporate Plan sets out a series of outcomes arranged around the eight Community Strategy themes. There is also a section dedicated to organisational development activities.
- 2.4 The Actions, Performance Indicators and Targets set out in the Corporate Plan will be regularly reviewed through the Council's Performance Management Framework. Progress will be reported regularly to Cabinet and Scrutiny Coordinating Committee.

3. DECISION MAKING ROUTE FOR THE PLAN

- 3.1 The Corporate Plan is part of the Council's Budget and Policy Framework and therefore requires the involvement of Scrutiny and approval by the full Council.
- 3.2 The plan was considered by Cabinet on 10 January and 8 April 2011. Scrutiny Coordinating Committee considered the Plan on 10 December 2010, 25 February 2011 and 25 March 2011. In addition draft proposals were considered by all of the Service Scrutiny Forums in January 2011.

4. HARTLEPOOL'S APPROACH TO THE CORPORATE PLAN

- 4.1 The Corporate Plan, attached at **Appendix A**, sets out how the Council propose to deliver the priority outcomes. The plan contains the key Performance Indicators and targets, where available, which will be used to monitor progress throughout 2011/12.
- 4.2 The timetable for producing the Corporate Plan has been brought forward from previous years, which means that some target information for the Performance Indicators can not be included as the information is not yet available. However, a detailed year end performance report will be produced for Scrutiny Coordinating Committee and Cabinet later in the year which will include this information.

5. RECOMMENDATIONS

- 5.1 That Council approves the 2011/12 Corporate Plan.

6. CONTACT OFFICER

For more information on the Corporate Plan or the Council's Performance Management Framework, please contact:

Andrew Atkin
Assistant Chief Executive
Corporate Strategy Division

Tel: (01429) 523040
E-mail: Andrew.Atkin@hartlepool.gov.uk



Hartlepool Borough Council

Corporate Plan 2011/12

Contents

	Page
Introduction	3
Organisational Structure	4
Performance Management	5
Priorities	6
Actions, Performance Indicators and Targets	9

Introduction

This document is Hartlepool Council's Corporate Plan for 2011/12 and forms part of the Council's overall Service Planning arrangements. The plan addresses the key priorities and issues facing the Council, and includes an action plan that draws the key actions and performance indicators from the Council's three Departmental Plans.

The Plan has been prepared in parallel with development of the Council's 2011/12 budget. The Coalition Governments Spending review included a 28% reduction in Council grants over 4 years with most reductions to be achieved in the first 2 years. The key points from the Council's budget include:

- An 8.8% reduction in the Council's spending power for 2011/12, the highest level of any council in England
- £10 million of efficiencies and service cuts implanted to produce a balanced budget for 2011/12
- Approximately 90 redundancies

The details of the Council's budget decisions are available in Cabinet and Council reports:

<http://www.hartlepool.gov.uk/meetings/meeting/2054/council>

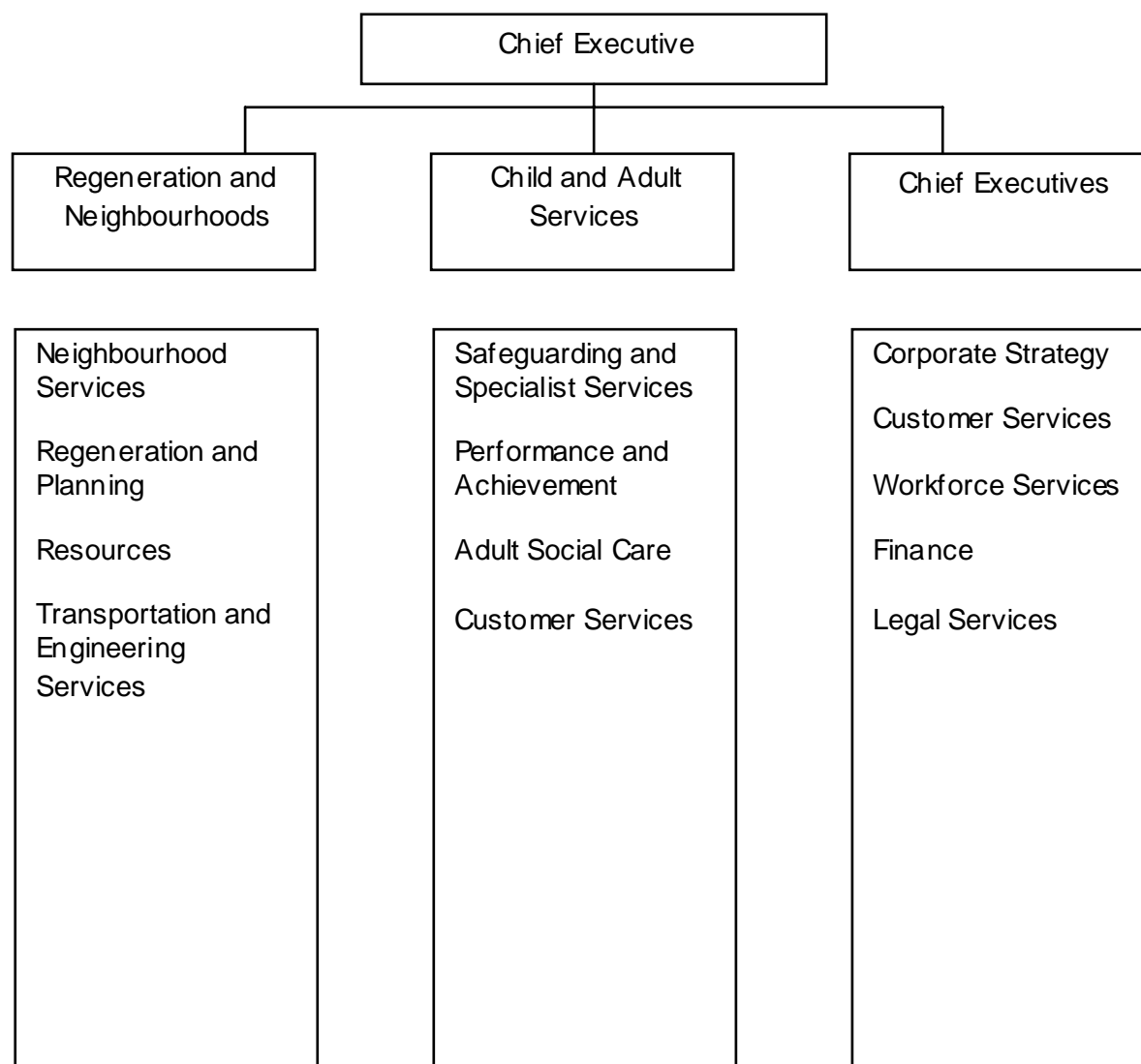
This plan should be looked at in conjunction with the Council's three Departmental Plans, individual service plans and other plans that together form part of the Council's overall Service Planning Arrangements.

Also relevant is the Hartlepool Partnership Plan, agreed through the Hartlepool Local Strategic Partnership. This includes key actions of the Council's partners (Police, Fire Brigade, health agencies and the voluntary and community sector) as well as additional key actions from the Council's Departmental Plans.

The Council's service planning framework is based on having **a clear set of outcomes** that the Council is working towards achieving. For each outcome the department has identified: -

- a number of **actions**, which when completed, will help to achieve the outcome;
- **performance indicators** as the basis for making and measuring progress towards achieving the outcome;
- the significant **risks** that could affect progress towards its achievement.

Organisational Structure



Performance and Risk Monitoring and Reporting

- **Monitoring and Reporting**

The action plan detailing how the Council will meet its main priorities for the forthcoming year will be monitored constantly, and regularly reported to Senior Officers and Councillors to update them on progress and highlight any key areas of achievement and concern.

Throughout the year, in certain circumstances, it may become necessary to either remove or amend an outcome or specific action from the annual plan. This could be for a number of reasons, such as changing priorities or a delay in implementing a particular scheme through unforeseen circumstances. Any amendments to the plan will only be made with full agreement of the Corporate Management Team and relevant Portfolio holders.

The Council has a responsibility to put in place proper arrangements to manage risks and maintain a sound system of internal control – the Council does this through its risk management framework. The Council seeks to reduce the impact and likelihood of risks that will impact on the achievement of the outcomes being sought by the Council in this plan.

Priorities

- **Overall Aim/Vision**

The Council's overall aim remains: -

“To take direct action and work in partnership with others, to continue the revitalisation of Hartlepool life and secure a better future for Hartlepool people”.

The Council's aim is based on the Hartlepool Partnership's new long term vision, agreed in July 2008, looking 20 years ahead is: -

“Hartlepool will be a thriving, respectful, inclusive, healthy, ambitious and outward looking community, in an attractive and safe environment, where everyone is able to realise their potential.”

The Council has adopted the eight themes that the Partnership has agreed forms part of the Sustainable Community Strategy: -

- Jobs and the Economy
- Lifelong Learning and Skills
- Health and Wellbeing
- Community Safety
- Environment
- Housing
- Culture and Leisure and Community Learning
- Strengthening Communities

The Council has a ninth theme, which covers what the Council is doing to sustain its capacity to deliver excellent, value for money services in the future:

- Organisational Development

- Council Priorities**

The Council has identified a number of key outcomes that it will contribute towards in 2011/12, encompassing the following themes: -

Theme	Outcome
Jobs and the Economy	JE01. Hartlepool has increased levels of investment and is globally competitive JE02. People have greater access to employment and skills opportunities JE03. Fewer Hartlepool children experience the effects of poverty JE04. People have greater access to financial information, advice and support particularly those currently excluded JE25. Hartlepool is at the forefront of economic policy making at the national, regional and sub-regional levels JE26. Key public buildings and spaces are improved to reflect Hartlepool's economic ambition.
Lifelong Learning and Skills	LL05. To promote opportunities for all children and young people to reach their full potential by accessing good quality teaching and curriculum provision which fully meets their needs and enables them to participate in and enjoy their learning LL06. Provision of high quality learning and skills opportunities that drive economic competitiveness, widen participation and build social justice
Health and Wellbeing	HW07. Improve health by reducing inequalities and improving access to services HW08. Be Healthy – children enjoy good physical, social and emotional health and live a healthy lifestyle HW09. Children & young people are safe HW10. Vulnerable adults are supported and safeguarded and people are able to maintain maximum independence while exercising choice and control about how their outcomes are achieved
Community Safety	CS11. Hartlepool has reduced crime and repeat victimisation CS12. There is reduced harm caused by drugs and alcohol misuse CS13. Communities have improved confidence and feel more cohesive and safe CS14. Offending and re-offending has reduced

Theme	Outcome
Environment	EN15. Hartlepool has an improved natural and built environment EN16. Quality local environments where public and community open spaces are clean, green and safe EN17. Provide a sustainable, safe, efficient, effective and accessible transport system EN18. Hartlepool is prepared for the impacts of climate change and takes action to mitigate the effects
Housing	HO19. Hartlepool has a more balanced housing provision HO20. The quality of existing housing has been improved HO21. Vulnerable people have improved access to accommodation which meets their need
Culture and Leisure and Community Learning	CL22. People enjoy equal access to leisure, culture, sport, libraries and community learning which enrich their lives, improve the places where they live, and strengthen communities
Strengthening Communities	SC23. Local people have a greater voice and influence over local decision making and the delivery of services SC24. Make a positive contribution – people are involved with the community and society
Organisational Development	OD27. Improve the efficiency and effectiveness of the organisation OD28. Deliver effective customer focussed services, meeting need of diverse groups and maintaining customer satisfaction OD29. Maintain effective governance arrangements for core business and key partnerships OD30. Maintain effective Performance, Finance and Risk Management Arrangements OD31. Deliver effective Member and Workforce arrangements, maximising the efficiency of the Council's Democratic function OD32. Maintain the profile and reputation of the Council

- Annual Action Plan**

The Council's Corporate Plan annual action plan is attached below, providing details on how the Council will be working towards achieving the outcomes set out above, using the key actions and performance indicators identified from within the Council's three departmental plans.

Corporate Plan 2011/12 – Actions, Performance Indicators and Targets

Outcome No. in bold indicates this is an outcome also included in the Hartlepool Partnership Plan. Other outcomes are only included in Council plans.

1 Jobs and the Economy

Develop a more enterprising, vigorous and diverse local economy that will attract new investment, enable local enterprises and entrepreneurs to be globally competitive and create more employment opportunities for local people.

Outcome No.	Description
JE01	Hartlepool has increased levels of investment and is globally competitive
JE02	People have greater access to employment and skills opportunities
JE03	Fewer children in Hartlepool experience the effects of poverty
JE04	People have greater access to financial information, advice and support particularly those currently excluded
JE25	Hartlepool is at the forefront of economic policy making at the national, regional and sub-regional levels
JE26	Key public buildings and spaces are improved to reflect Hartlepool's economic ambition

Outcome No.	Actions	Date to be completed	Responsible officer
JE01	Deliver a new marketing plan for economic development to promote Hartlepool as a place to work, live and visit	Jul 2011	Antony Steinberg
JE02	Achieve sub contracting arrangements under the Department for Work and Pensions (DWP) Work Programme with Prime providers	Sept 2011	Antony Steinberg
JE02	Implement the Hartlepool 14-19 Strategy	Mar 2013	Tom Argument
JE02	Provision of high quality independent careers advice and guidance to enable young people to make informed choices as to their future learning and training	Mar 2012	Tom Argument
JE02	Ensure all young people have the appropriate skills and qualifications to equip them for further and higher education and for the world of work so that they are well prepared to gain employment	Mar 2012	Tom Argument
JE02	Develop 3 employment and training initiatives in partnership with key stakeholder for residents which meet the demands of the local labour markets and the business community	Mar 2012	Antony Steinberg
JE03	Implement the Child Poverty Strategy and Action Plan	Mar 2012	Danielle Swainston
JE04	Deliver Money Matters engagement programme in prioritised neighbourhoods	Mar 2012	Carol Jones
JE04	Develop financial capability / awareness amongst Hartlepool College students	Mar 2012	Carol Jones
JE04	Support the development of outreach services via the Children's Centre Network to engage with children and their extended families	Mar 2012	Carol Jones
JE04	Promote availability of special council tax reductions and discretionary housing benefit hardship payments	Mar 2012	Margaret Wrigglesworth
JE25	Produce a new Hartlepool Economic Development Strategy	Oct 2011	Antony Steinberg

Outcome No.	PI Ref. No.	Performance Indicator	2011/12 Target
JE02	NI 151	Overall Employment rate (proportion of people of working age population who are in employment)	Not Required
JE02	RPD P045	Employment Rate (16-24) - proportion of 16 to 24 year olds who are in employment	Not Required
JE02	NI 171	New business registration rate - the proportion of new business registration per 10,000 resident population (aged 16+)	Not Required
JE02	NI 117	Percentage of 16 to 18 year olds who are not in education, employment or training (NEET)	6.9%
JE02	NI 79	Percentage of young people achieving a Level 2 qualification by the age of 19	74.7
JE03	CSD 116	Proportion of children in poverty – the gap between Hartlepool and the North East Region	-4.8%
JE04	CEDFI P025	Number of Credit Union Current Accounts / Saving Accounts opened by adults	400
JE04	CEDFI P026	Number of Credit Union savings accounts opened by by school age / college age individuals	300
JE04	CEDFI P027	Number of successful applications for Council Tax reductions	100

2 Lifelong Learning and Skills

All children, young people, individuals, groups and organisations are enabled to achieve their full potential through equal access to the highest quality education, lifelong learning and training opportunities.

Outcome No.	Description
LL05	To promote opportunities for all children and young people to reach their full potential by accessing good quality teaching and curriculum provision which fully meets their needs and enables them to participate in and enjoy their learning
LL06	Provision of high quality learning and skills opportunities that drive economic competitiveness, widen participation and build social justice

Outcome No.	Actions	Date to be completed	Responsible officer
LL05	Analyse Early Years Foundation Stage Profile (EYFSP) data and challenge schools with anomalies. Provide support and Continuous Professional Development (CPD) to identified schools. Monitor impact through Foundation Stage Profile software.	Sep 2012	Lynne Pawley
LL05	Analyse Key Stage 2 data in English and mathematics. Identify schools below 55% floor target in combined English and mathematics and separate English and mathematics and report to Portfolio Holder under Council's schools causing concern.	Mar 2012	Lynne Pawley
LL05	Analyse Key Stage 4 data. Identify schools below 5A*-C (including English and mathematics) threshold and report to Portfolio Holder under Council's schools causing concern.	Mar 2012	Caroline O'Neill
LL05	Through Hartlepool skills partnership, produce new skills strategy and action plan	Dec 2011	Antony Steinberg
LL06	Ensure access to high quality learning opportunities that increase the skills and qualification of local residents via implementing the Adult Education Service Plan	Jul 2012	Maggie Heaps
LL06	Work in partnership with Skills Funding Agency to address skills needs of the local economy through the delivery of 6 Skills Partnership meetings	Mar 2012	Antony Steinberg

Outcome No.	PI Ref. No.	Performance Indicator	2010/11 Target
LL05	NI 72	Percentage of children achieving at least 78 points across the Early Years Foundation Stage with at least 6 in each of the scales in Personal Social and Emotional Development and Communication, Language and Literacy	53.5%
LL05	NI 73	Percentage of pupils achieving level 4 or above in both English and Maths at Key Stage 2	82%
LL05	NI 75	Percentage of pupils achieving 5 or more A*- C grades at GCSE or equivalent including English and Maths	57.1%
LL05	NI 93	Percentage of pupils progressing by 2 levels in English between Key Stage 1 and Key Stage 2	94.0%
LL05	NI 94	Percentage of pupils progressing by 2 levels in Maths between Key Stage 1 and Key Stage 2	92.0%
LL05	New	Percentage of pupils achieving the English Baccalaureate	Not Required
LL06	ACS P053	Number of learners participating in Adult Education Programmes	Not Required

3 Health and Well-Being

Work in partnership with the people of Hartlepool to promote and ensure the best possible health and well-being.

Outcome No.	Description
HW07	Improve health by reducing inequalities and improving access to services
HW08	Be healthy – children enjoy good physical and emotional health and live a healthy lifestyle
HW09	Children and young people are safe
HW10	Vulnerable adults are supported and safeguarded and people are able to maintain maximum independence while exercising choice and control about how their outcomes are achieved

Outcome No.	Actions	Date to be completed	Responsible officer
HW07	Ensure implementation of the Cardiovascular Primary Prevention programme across all practices in Hartlepool	Mar 2012	Louise Wallace
HW07	Ensure all eligible people particularly in high risk groups take up the opportunity to be vaccinated especially in relation to flu	Mar 2012	Louise Wallace
HW07	Refresh the Public Health Strategy in the light of the Health White Paper	Mar 2012	Louise Wallace
HW08	Implement Smoking in Pregnancy Action Plan	Mar 2012	Carole Johnson
HW08	Implement Teenage Pregnancy Strategy and action plan	Mar 2012	Lynne Pawley
HW09	Implement the strategic priorities from the Looked After Children Strategy	Mar 2012	Jane Young
HW10	Maximise use of preventative approaches such as assistive technology to support people to maintain their independence	Mar 2012	Phil Hornsby / John Lovatt

Outcome No.	PI Ref. No.	Performance Indicator	2011/12 Target
HW07	NI 39	Rate of Hospital Admissions per 100,000 for Alcohol Related Harm	To be confirmed after discussion with PCT
HW07	NI 123	Stopping smoking - rate of self-reported 4-week smoking quitters per 100,000 population aged 16 or over	
HW07	NI 123 (NRA)	Stopping smoking (Neighbourhood Renewal Area narrowing the gap indicator) - number of 4 week quitters	
HW08	LAA HW P001	Percentage of women smoking during pregnancy	22%
HW08	NI 112	The change in the rate of under 18 conceptions per 1,000 girls aged 15-17, as compared with the 1998 rate	-55%
HW08	NI 52a	Percentage uptake of school meals - primary schools	61%
HW08	NI 52b	Percentage uptake of school meals - secondary schools	53%
HW09	CSD P035	Children who became the subject of a Child Protection plan, or who were registered per 10,000 population under 18	36
HW09	NI 62	Percentage of children looked after at 31 March with three or more placements during the year	10%
HW09	NI 64	Percentage of children who had been the subject of a Child Protection Plan continuously for two years or longer	8%
HW10	NI 136	Number of people supported to live independently through social services (all adults) per 100,000 population	4700
HW10	NI 132	Percentage of adults where time from first contact to	85%

Outcome No.	PI Ref. No.	Performance Indicator	2011/12 Target
		completion of assessment is less than or equal to four weeks	
HW10	NI 135	Carers receiving needs assessment or review and a specific carer's service, or advice and information as a percentage of all people receiving a community based service	23%
HW10	ACS P051	Access to equipment and telecare: users with telecare equipment	725

4 Community Safety

Make Hartlepool a safer place by reducing crime and anti-social behaviour, and tackling drugs and alcohol misuse.

Outcome No.	Description
CS11	Hartlepool has reduced crime and repeat victimisation
CS12	There is reduced harm caused by drugs and alcohol misuse
CS13	Communities have improved confidence and feel more cohesive and safe
CS14	Offending and re-offending has reduced

Outcome No.	Actions	Date to be completed	Responsible officer
CS12	Integrate drug and alcohol treatment and recovery programmes in line with new Drug Strategy	Dec 2011	Chris Hart
CS12	Strengthen safeguarding and address Hidden Harm issues within substance misuse services	Mar 2012	Karen Clark
CS13	Ensure the development of the PREVENT agenda as guided by the local Silver group against an accurate and updated action plan	Mar 2012	Brian Neale

Outcome No.	PI Ref. No.	Performance Indicator	2011/12 Target
CS11	RPD P028a	All Crime	To be agreed
CS12	NI 30	Percentage reduction in reoffending rate of prolific and other priority offenders	To be agreed

5 Environment

Secure and enhance an attractive and sustainable environment that is clean, green, safe and valued by the community.

Outcome No.	Description
EN15	Hartlepool has an improved natural and built environment
EN16	Quality local environments where public and community open spaces are clean, green and safe
EN17	Provide a sustainable, safe, efficient, effective and accessible transport system
EN18	Hartlepool is prepared for the impacts of climate change and takes action to mitigate the effects

Outcome No.	Actions	Date to be completed	Responsible officer
EN15	Produce Core Strategy Publication Document	Jul 2011	Derek Gouldburn
EN17	Deliver the Local Transport Plan (LTP)	Mar 2012	Mike Blair
EN18	Take action to mitigate against and adapt to climate change	Mar 2012	Paul Hurwood

Outcome No.	PI Ref. No.	Performance Indicator	2011/12 Target
EN16	NI 191	Number of kilograms of residual household waste (not reused, recycled or composted) collected per household.	712kg
EN16	NI 192	Percentage of household waste sent for reuse, recycling and composting	45%
EN16	NI 193	Percentage of municipal waste (all waste collected by the local authority) land filled	5%
EN17	NI 168	The percentage of Principal roads where maintenance should be considered	3%
EN18	NI 185	Percentage CO2 reduction from local authority operations	-7%

6 Housing

Ensure that there is access to good quality and affordable housing in sustainable neighbourhoods and communities where people want to live.

Outcome No.	Description
HO19	Hartlepool has a more balanced housing provision
HO20	The quality of existing housing has been improved
HO21	Vulnerable people have improved access to accommodation which meets their need

Outcome No.	Actions	Date to be completed	Responsible officer
HO19	Research and develop local policies, procedures and protocols, to bring empty homes back into use	Oct 2011	Sylvia Pinkney
HO20	Encourage improvements to private sector homes to meet and exceed 'decent homes standard'	Mar 2012	Sylvia Pinkney

Outcome No.	PI Ref. No.	Performance Indicator	2011/12 Target
HO19	NI 155	Number of affordable homes delivered (gross)	80
HO19	LAA H P001	Number of private dwellings empty for over 6 months and brought back into use	10% of empty properties as at 1 April
HO20	RPD P042	The proportion of vulnerable households occupying homes in the private sector, which meet decent homes standard.	Not Required
HO21	RPD P011	Number of households where homelessness has been prevented through Local Authority action.	Not Required

7 Culture and Leisure

Create a cultural identity for Hartlepool which attracts people to Hartlepool and makes us proud to live and work here.

Outcome No.	Description
CL22	People enjoy equal access to leisure, culture, sport, libraries and community learning which enrich their lives, improve the places where they live, and strengthen communities

Outcome No.	Actions	Date to be completed	Responsible officer
CL22	Achieve Service Accreditation as required across community services	Mar 2012	John Mennear
CL22	Work closely with key partners and groups to deliver programmes of activity to meet the sport and physical activity needs of the Hartlepool community increasing participation by 1%	Mar 2012	Pat Usher
CL22	Deliver Renaissance Programme to improve access to Museum Services and develop new audiences	Mar 2012	David Worthington
CL22	Enhance partnership working by creating a community hub via the Rossmere Co-location project	Sept 2011	Pat Usher

Outcome No.	PI Ref. No.	Performance Indicator	2011/12 Target
CL 22	LAA CL P001	Number of people from vulnerable groups engaged in culture, leisure activities and sport	1112
CL22	ACS P059	Overall attendance at Mill House, Brierton and Headland Leisure Centres	405,000

8 Strengthening Communities

Empower individuals, groups and communities, and increase the involvement of citizens in all decisions that affect their lives.

Outcome No.	Description
SC23	Local people have a greater voice and influence over local decision making and the delivery of services
SC24	Make a positive contribution – people are involved with the community and society

Outcome No.	Actions	Date to be completed	Responsible officer
SC23	Produce local improvement plan for empowering communities in line with the Big Society & localism agenda	Mar 2012	Denise Ogden
SC24	Support parents and carers to fulfil their responsibilities to their children effectively by implementing the child poverty strategy.	Mar 2012	John Robinson
SC24	Promote emotional well-being in children and young people via Implementation of Targeted Mental Health in Schools Strategy and responding to the individual needs of Children	Mar 2012	Jacqui Braithwaite
SC24	Improve the level of young people's participation in positive activities via implementing the relevant action plan integration and targeted plan.	Mar 2012	Mark Smith

Outcome No.	PI Ref. No.	Performance Indicator	2011/12 Target
SC24	NI 111	Number of first time entrants to the Youth Justice System aged 10-17 per 100,000 population (aged 10-17)	1966

9 Organisational Development

Outcome No.	Description
OD27	Improve the efficiency and effectiveness of the organisation
OD28	Deliver effective customer focussed services, meeting the needs of diverse groups and maintaining customer satisfaction
OD29	Maintain effective governance arrangements for core business and key partnerships
OD30	Maintain effective Performance, Finance and Risk Management arrangements
OD31	Deliver effective Member and Workforce arrangements, maximising the efficiency of the Council's Democratic function.
OD32	Maintain the profile and reputation of the Council.

Outcome No.	Actions	Date to be completed	Responsible officer
OD27	Determine and implement a revised efficiency programme through the review of the Business Transformation programme and associated efficiency programmes in light of MTFS and budget settlement for 2011/12 and 2012/13	Mar 2012	Andrew Atkin
OD27	Review of Corporate ICT Strategy to ensure it continues to support Corporate Objectives including opportunities to use ICT to generate efficiency savings across the authority	Mar 2012	Joan Chapman
OD27	Review and gain approval of Capital Strategy/Asset Management Plan	Mar 2012	Dale Clarke
OD27	Final Capital programme agreed by Council	Feb 2012	Dale Clarke
OD28	Implement Hartlepool Connect Service Integration & Improvement Strategy taking account of Business Transformation programme strands	Mar 2012	Christine Armstrong
OD28	Implement Customer Service & Channel Strategy Action Plan	Mar 2012	Christine Armstrong
OD28	Ensure that the Council has arrangements in place to comply with its equality duties	Mar 2012	Joanne Maders
OD28	Model impacts of Dept for Work and Pension changes to benefits system	Jul 2011	Julie Pullman
OD28	Develop & implement Engagement Strategy for Dept for Work and Pension changes to benefits system	Jan 2012	Julie Pullman
OD29	Ensure appropriate governance and partnership arrangements are in place for the Local Strategic Partnership and Theme Partnerships	Mar 2012	Catherine Frank
OD29	Monitor progress of the Decentralisation and Localism Bill and ensure appropriate implementation arrangements	Mar 2012	Peter Devlin / Andrew Atkin
OD30	Develop and agree revised Performance and Risk Management Framework for the Council taking account of Coalition Government policy	July 2011	Peter Turner
OD30	Develop and agree the Performance and Risk Management Framework for the Local Strategic Partnership for 2011-12	July 2011	Catherine Frank
OD31	Continue to Promote Healthy Working	Mar 2012	Stuart Langston
OD31	Continue to support how employees are recognised, engaged and rewarded	Mar 2012	Joanne Maders
OD31	Continue to apply and develop the Single Status Agreement	Mar 2012	Wally Stagg
OD32	Compile and deliver the Scrutiny Work Programme for 2011/12	May 2012	Joan Wilkins/ James Walsh
OD32	Implement the Corporate Communications Strategy Action Plan	Mar 2012	Alastair Rae

Outcome No.	PI Ref. No.	Performance Indicator	2011/12 Target
OD27	CEDCS P042	Actual savings from Business Transformation Programme	£2.9m
OD28	New	Average wait for telephone calls to be answered	30 secs
OD28	New	Percentage of customer enquiries dealt with at the first point of contact (across the three primary channels)	80%
OD28	CEDFI P004	Average time to process new Housing Benefit/Council Tax Benefit claims	20 days
OD28	CEDFI P005	Average time to process Housing Benefit/Council Tax Benefit changes of circumstances	9 days

COUNCIL

14th April 2011



Report of: Chief Executive

Subject: BUSINESS REPORT

1. ELECTORAL REVIEW

1.1 As members are aware, the Local Government Boundary Commission for England (LGBCE) is currently conducting an electoral review of the Borough of Hartlepool. The broad purpose of an electoral review is to decide on the appropriate electoral arrangements – the number of councillors, the names, number and boundaries of wards. The review aims to ensure that the number of voters represented by each councillor is approximately the same.

1.2 The review is being conducted as follows –

Stage	Stage starts	Description
Council size	20 July 2010	Submission of proposals for council size to the LGBCE
One	28 September 2010	Submission of proposals of warding arrangement to the LGBCE
Two	21 December 2010	LGBCE's analysis and deliberation
Three	29 March 2011	Publication of draft recommendations and consultation on them
Four	20 June 2011	Analysis of submissions received and formulation of final recommendations

1.3 The council has submitted, as part of stage 1 of the process, its proposals on the warding arrangements for Hartlepool, following which the Commission considered the council's submission as well as other submissions received.

1.4 Having considered all the submissions received during stage 1, the Commission has developed proposals which are based broadly on those of the Council. Where they have moved away from the Council proposals, "they have sought to use clearer ward boundaries that will result in good communication links across each ward"

- 1.5 The draft recommendations propose that Hartlepool Borough Council should have 33 councillors and 11 wards with a uniform pattern of 3 member wards across Hartlepool. The draft recommendations of the Commission were published on 29 March 2011. A copy of this report can be accessed via the Commission's website www.lgcoe.org.uk.
- 1.6 The draft recommendations and maps have been circulated to all members of the council and appropriate officers. A 12-week consultation public consultation on the recommendations began on the 29 March 2011. The consultation is open to anyone in Hartlepool who wants to have their say on new wards, ward boundaries and ward names across the borough. The General Purposes Working Party will consider the draft recommendations and prepare a report to General Purposes Committee. Once General Purposes Committee approve the response to the draft recommendations a report will be brought to Council for its consideration. The deadline for representations to the Commission on the draft recommendations is 20 June 2011.
- 1.7 It should be stressed that the Commission has not finalised its conclusions and, in light of further evidence, may put forward final recommendations which differ from those set out in the draft recommendations. The Commission is encouraging all those who have a view to write to them.
- 1.8 Council is requested to note the report.